DOCUMENT RESUME

ED 439 193 UD 033 410

AUTHOR	Piche, Dianne M.
TITLE	Title I in Alabama: The Struggle To Meet Basic Needs.
INSTITUTION	Citizens Commission on Civil Rights, Washington, DC.
SPONS AGENCY	Edna McConnell Clark Foundation, New York, NY.; John D. and Catherine T. MacArthur Foundation, Chicago, IL.; Spencer Foundation, Chicago, IL.; Annenberg Foundation, St. Davids, PA.
PUB DATE	1999-00-00
NOTE	85p.; Edited by Corrine M. Yu and William L. Taylor. "With the assistance of Phyllis P. McClure, Stephanie T. Schmelz." For the "Title I in Midstream" report, see ED 427 135.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Compensatory Education; Disadvantaged Youth; Educational Change; Elementary Secondary Education; Federal Legislation; Poverty; *State Programs; Urban Schools
IDENTIFIERS	*Alabama; *Elementary Secondary Education Act Title I; Improving Americas Schools Act 1994

ABSTRACT

This report represents one component of a project to examine how recently or whether enacted federal education reforms, put into place through the reauthorization of Title I of the Elementary and Secondary Education Act of 1965 (Improving America's Schools Act of 1994), are being implemented in high poverty schools. The first part of the report consists of the report and recommendations of the Citizens' Commission on Civil Rights for Alabama. Alabama has been the staging ground for the great legal and political campaigns to enforce constitutional education provisions. Many vestiges of the old school system remain in Alabama, and the state is being slow to implement many of the changes called for in the law. In many of the state's poorest districts, Title I is being used to support the school's most basic operations, and not the special needs. The second part contains a summary of the report, and includes the findings and recommendations of a report previously released by the Commission, "Title I in Midstream: The Fight To Improve Schools for Poor Kids." (Contains 18 figures and 26 references.) (SLD)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 439 193

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.
Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
Corrine Yu
Citizens' Commission on Civil Rights
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
1

The Struggle to Meet Basic Needs

BEST COPY AVAILABLE
2

Citizens' Commission on Civil Rights

UD033410

Title I in Alabama:

The Struggle to Meet Basic Needs

Dianne M. Piché, Project Director
with the assistance of
Phyllis P. McClure
Stephanie T. Schmelz

Corrine M. Yu and William L. Taylor, Editors

Report of the Citizens' Commission on Civil Rights
Summer 1999

Copyright ©1999 by Citizens' Commission on Civil Rights

Design by Rock Creek Publishing Group, Inc.

All rights reserved. Reproduction of this publication, in whole or part, is permitted with proper citation.

Copyright © 1999 Citizens' Commission on Civil Rights

2000 M Street, NW
Suite 400
Washington, DC 20036
(202) 659-5565
www.cccr.org
Internet: citizens@cccr.org

Published by Citizens' Commission on Civil Rights

Acknowledgments

Many people contributed to the creation of this report. Dianne M. Piché directs the Commission's Title I project and contributed to the writing and editing of this report. Phyllis P. McClure was the principal investigator for this study, and took the photographs featured in the report. Stephanie T. Schmelz assisted in the editing of this report and made other important contributions to this project.

Corrine M. Yu, Director and Counsel of the Commission during the preparation of this report, produced and edited this report. William L. Taylor, Vice Chair of the Commission, helped write and edit the report and provided overall guidance for the project. Lauren Altes provided valuable administrative assistance to the authors and editors during the preparation of this report and throughout the project.

All persons interviewed in the course of the Commission's research were generous with their time and forthcoming in their answers to questions. Special thanks and acknowledgment are due to the following individuals: in Gadsden City, Nancy Blackwood, Principal of Oscar Adams Elementary School, and Charlotte Campbell, Director of Instructional Services and Title I Director; in Birmingham, Martha Barber, Principal of Tuggle Elementary School, and Eleanor Traylor, Title I Coordinator; in Etowah County, Amelia Cartrett, Director of Instruction and Federal Programs; in Linden City, Larry Huckabee, Superintendent and Title I Coordinator; in Dallas County, Superintendent George Evans, and Tonya Chestnut, Supervisor of Title I and Elementary Instruction; in Monroe County, Superintendent Ronald Bailey, Title I Coordinator Theodore Crook, Principal of Monroeville Elementary School Deborah Marriott, Principal of J.F. Shields High School Larry Woolfolk, and former school board member, Freddie Howard.

The Commission is also grateful to Rock Creek Publishing Group, Inc. for their graphic design and to Mary McLaughlin for her proofreading skills. The Commission also expresses its thanks and appreciation to Kathy Downey for her assistance and advice in connection with this project.

This work would not have been possible without the financial support of the Edna McConnell Clark Foundation, the John D. and Catherine T. MacArthur Foundation, the Spencer Foundation, and the Annenberg Foundation.

Foreword

The Citizens' Commission on Civil Rights is a bipartisan organization established in 1982 to monitor the civil rights policies and practices of the federal government and to seek ways to accelerate progress in the area of civil rights.

This report is one component of the Citizens' Commission on Civil Rights' Title I monitoring project, which is examining whether and how recently enacted federal education reforms put into place through the reauthorization of Title I of the Elementary and Secondary Education Act of 1965 are being implemented in high-poverty schools.

This study has two parts. Part One consists of the Report and Recommendations of the Commission. Part Two contains a summary and the findings and recommendations of a report previously released by the Commission, *Title I in Midstream: The Fight to Improve Schools for Poor Kids*, which assessed the progress made by the federal government in complying with the requirements of the new Title I.

The Commission gratefully acknowledges the support of the Edna McConnell Clark Foundation, the John D. and Catherine T. MacArthur Foundation, the Spencer Foundation, and the Annenberg Foundation for this study.

MEMBERS OF THE CITIZENS' COMMISSION ON CIVIL RIGHTS

Chairman

Arthur S. Flemming*
Chairman, Save Our Security Coalition
Chairman, Healthright
Former Secretary, Department of Health, Education and Welfare
Former Chairman, U.S. Commission on Civil Rights

Vice Chair

William L. Taylor
Attorney, Washington, D.C.
Former Staff Director, U.S. Commission on Civil Rights

Members

David R. Barclay
Barclay Consulting Group, Pacoima, CA

Birch Bayh
Oppenheimer, Wolff, Donnelly & Bayh, Washington, D.C.
Former U.S. Senator from Indiana
Former Chairman, Senate Subcommittee on the Constitution

William H. Brown, III
Schnader, Harrison, Segal & Lewis, Philadelphia, PA
Former Chairman, Equal Employment Opportunity Commission

Frankie Freeman
Whitfield, Montgomery & Staples, P.C., St. Louis, MO
Former Member, U.S. Commission on Civil Rights
Former Inspector-General, Community Services Administration

Erwin N. Griswold*
Jones, Day, Reavis & Pogue, Washington, D.C.
Former Solicitor General of the United States
Former Member, U.S. Commission on Civil Rights

Augustus F. Hawkins
Washington, D.C.
Former U.S. Representative from California
Former Chairman, House Education and Labor Committee

Aileen C. Hernandez
Aileen C. Hernandez Associates, San Francisco, CA
Former Member, Equal Employment Opportunity Commission

Father Theodore M. Hesburgh
President Emeritus, Notre Dame University, South Bend, IN
Former Chairman, U.S. Commission on Civil Rights

William H. Hudnut
The Urban Land Institute, Washington, D.C.
Former Mayor, City of Indianapolis

Ray Marshall
The LBJ School of Public Affairs, University of Texas, Austin, TX
Former Secretary, U.S. Department of Labor

William M. Marutani
Philadelphia, PA
Former Judge, Court of Common Pleas of Pennsylvania
Member, Commission on Wartime Relocation and Internment of Civilians

George V. McGowan
Baltimore Gas & Electric Co., Baltimore, MD

Eleanor Holmes Norton
Congresswoman, District of Columbia
Former Chair, Equal Employment Opportunity Commission

Blandina Cardinas Ramirez
Southwest Texas State University, San Marcos, TX
Former Member, U.S. Commission on Civil Rights

Elliot L. Richardson
Milbank, Tweed, Hadley & McCloy, Washington, D.C.
Former Attorney General of the United States

Rabbi Murray Saltzman
Senior Rabbi, Baltimore Hebrew Congregation (retired), Baltimore, MD
Former Member, U.S. Commission on Civil Rights

Roger Wilkins
George Mason University, Fairfax, VA
Former Assistant Attorney General for Legislative Affairs
Former Director, Community Relations Service, U.S. Department of Justice

**Deceased*

Director and Counsel

Corrine M. Yu

Table of Contents

Part One: Report and Recommendations of the Citizens' Commission on Civil Rights

Chapter I. Introduction 1

Chapter II. Inching Toward Change 5
- I. Educational Conditions and Resources 5
- II. Reform Trends 7
  - A. Equity and Adequacy Litigation 7
  - B. Legislative Action 8
  - C. Alabama Reading Initiative 9
- III. Conclusion 10

Chapter III. Title I in Alabama 11
- I. Alabama Standards, Assessment, and Accountability 11
  - A. Content Standards 11
  - B. Performance Standards 12
  - C. Assessment 14
  - D. Accountability 20
- II. Impact on Schools 23
- III. Conclusion 26

Chapter IV. Comprehensive Schoolwide Reform 27
- I. Tuggle Elementary School 28
- II. Oscar Adams Elementary School 30
- III. Tuggle and Adams—Meeting the Needs of Their Students 32

Chapter V. Funding Needs in the Poorest Districts 35
- I. Supplanting the Regular Program 35
  - A. Dallas County 36
  - B. Linden City 37
  - C. Wilcox County 38
- II. Schoolwide Programs 39
  - A. Schoolwide Plans 42
  - B. Personnel 42
  - C. Extended Time 43
  - D. Professional Development 44
  - E. Books and Instructional Materials 46
- III. Conclusion 47

Chapter VI. Findings and Recommendations 49

Endnotes 57

Part Two: Title I in Midstream: The Fight to Improve Schools for Poor Kids

Chapter VII. Summary 61

Chapter VIII. Findings and Recommendations 73

About the Authors 81

Part One:

Report and Recommendations of the Citizens' Commission on Civil Rights

Chapter I

Introduction

The struggle for equal educational opportunity for African American and poor students in Alabama at the end of the 20th century endures in the shadow of the long history of state-imposed, racially separate, and unequal provision of public schooling. Alabama fiercely resisted dismantling its dual system of public education in the face of the Supreme Court's 1954 decision in *Brown v. Board of Education* and congressional enactment of the Civil Rights Act of 1964. *Brown* held that racial classifications imposed by the government for the purpose of separating blacks from whites violated the United States Constitution; ten years later, with the passage of the Civil Rights Act, it became official national policy to prohibit discrimination on the basis of race in education, employment, and a host of other aspects of American life. Most of the state came under federal court order to desegregate its public schools in September 1963, when Governor George Wallace issued an Executive Order to delay the opening of school in Macon County.

Indeed, Alabama has been the staging ground for the great legal and political campaigns to enforce both the Fourteenth and the Fifteenth Amendments to the Constitution. But despite these battles, many vestiges of the old "separate but equal" educational system remain, including low levels of spending, the lack of capacity to teach specific advanced skills, low levels of literacy, and pervasive and staggering family poverty rates. (See Figure 1, Figure 2.) Many poor students start school without the most basic preparation, due to family poverty, lack of quality preschool programs, and the absence of mandatory kindergarten.

Research has demonstrated that concentrations of poverty in rural and urban areas multiply the adverse consequences of poverty on a child's achievement. The more students from low-income families, the greater are a school's needs for: additional highly trained staff, more personal attention, an enriched curriculum, extra instructional materials, after-school and summer classes, and parent involvement programs.

While the federal role in education is limited, the national government has a vital role in ensuring equality of educational opportunity. The national interest in education has been manifested for the past three decades primarily through the civil rights laws, and through Title I of the Elementary and Secondary Education Act of 1965.[1] Title I, an $8 billion program that now serves nearly 10.5 million students in some 50,000 schools, has for years provided funds to Alabama school systems and schools that have high concentrations of poor children.

The Title I program (which was renamed Chapter 1 between 1981 and 1994) is the federal government's largest program providing financial assistance to the nation's elementary and secondary schools. In 1994, the most recent reauthorization of this law, Congress substantially overhauled the Title I program to shift the focus from remedial education to high standards and higher achievement—reforms that had been advocated by professional educators and a broad coalition of civil rights and education organizations, and endorsed by the Clinton Administration. These reforms called for raising academic standards; building the capacity of schools; adopting testing and assessments that fairly and accurately measure what children know; ensuring accountability by school officials; and ensuring the inclusion of all children, especially those with limited English proficiency and disabilities.

The new law, while potent, is not self-executing. Whether disadvantaged children will reap its benefits

Figure 1. Educational Attainment in Alabama

	Total	White	Black
18 to 24 years old	434,617	308,482 *70.17%*	120,344 *27.7%*
High School Graduate	126,112	85,539 *67.83%*	39,201 *31.08%*
Some College or Associate Degree	167,839	126,392	38,857
Bachelor's Degree or Higher	24,415	21,108 *86.46%*	2,851 *11.68%*
25 years old and older	2,545,989	1,936,783 *77.13%*	556,645 *21.87%*
Ninth to Twelfth Grade, No Diploma	494,790	348,248 *70.04%*	142,874 *28.88%*
High School Graduate	749,591	600,172 *80.06%*	143,871 *19.20%*
Bachelor's Degree	258,231	220,946 *85.56%*	33,780 *13.08%*

Source: U.S. Department of Commerce, Bureau of the Census, *Social and Economic Characteristics: Alabama*, at Table 47, School Enrollment and Educational Attainment by Race and Hispanic Origin: 1990 (1993).

Figure 2. Poverty Status of Families in Alabama

	Total	White	Black
Income in 1989 Below Poverty	723,614 *18.3%*	342,388 *11.7%*	371,975 *37.7%*
Children 5 to 17 years old Below Poverty	177,908	60,700 *34.12%*	114,826 *64.54%*

Source: U.S. Department of Commerce, Bureau of the Census, *Social and Economic Characteristics: Alabama*, at Table 54, Poverty Status in 1989 of Families and Persons by Race and Hispanic Origin: 1990 (1993).

depends largely on the extent to which officials at every level carry out their respective obligations. Nor is the new Title I expected to meet its goals in isolation. Rather, it must be integrated into state, district, and school efforts to improve learning for all students.

The Citizens' Commission has launched this study to assess the progress made by the federal government, the states, and four targeted communities in complying with the 1994 amendments to Title I contained in the Improving America's Schools Act. In this, the second of several reports on this issue, the Citizens' Commission highlights our field research in high-poverty communities in Alabama, a state that was chosen because of its long and severe legacy of underfunding education and denying educational opportunities on the basis of race.

In undertaking this study of Title I in Alabama, the Citizens' Commission asked the following questions:

- Have the new requirements been implemented?
- Have the 1994 revisions of Title I brought about any changes in schools and districts? Is there evidence that the new reforms can work?
- How have schools used the flexibility and decision-making authority of schoolwide programs?
- What are the patterns of resource allocation? Are districts targeting funds to the neediest schools on the basis of poverty? Are schools using funds for comprehensive school improvement?
- How has the state's accountability system affected local efforts at school improvement?

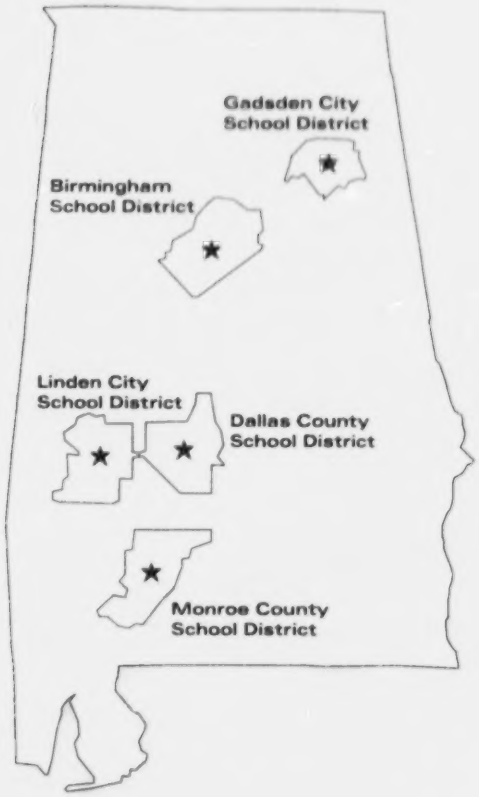
To answer these questions, the Citizens' Commission tracked implementation of the new law from the states, to the districts, and finally to individual schools. Primary responsibility for implementing Title I lies with the state's Department of Education. It must establish a standards-based framework of content standards, student performance standards, assessments, and an accountability system. It has a duty to help Title I districts and schools develop the capacity to implement Title I requirements. Significantly, the state education agency is not simply a "pass through" for federal funds. It approves local applications before districts can spend Title I funds. Using this authority, state officials must require districts to follow the law.

At the Alabama Department of Education, the Citizens' Commission met with Alabama's Title I directors (initially interim Director Barry Blackwell, and subsequently Catherine Moore), as well as with Assistant State Superintendent Feagin Johnson. We obtained copies of state laws, department regulations, documents pertinent to Title I, and general information items such as the *Alabama Education Directory* and *Alabama Education News*. Copies of the State Superintendent's Report Cards were obtained off the Alabama Department of Education's website. Copies of Alabama's Consolidated State Plan under the Improving America's Schools Act and the State Performance Report for the 1996-97 school year were obtained from the U.S. Department of Education's Office of Elementary and Secondary Education.

At the Citizens' Commission's request, the Alabama Department of Education provided a list of the highest performing, high-poverty schools in the state for the 1997-98 school year, as well as those schools that had been awarded recognition as Distinguished Title I schools. The Citizens' Commission conducted its research in 16 schools in 6 local school systems representing northern counties, the Black Belt, and urban and rural districts (see Figure 3): Birmingham City Public Schools (Tuggle Elementary School); Dallas County (Southside Primary, Southside High School, Tipton Middle School, Shiloh Elementary School); Etowah County (Ivalee Elementary School); Gadsden City Schools (Adams Elementary School, Floyd Elementary School, Striplin Elementary School); Linden City (Linden Elementary School, Austin Junior High School, Linden High School); and Monroe County (Beatrice Elementary School, Monroeville Elementary School, J.F. Shields High School, Monroe County High School).

Documents collected from school districts included local Title I applications, which provided

Figure 3.
School Districts Studied



the number and type of person employed by Title I for each school; Title I plans; schoolwide plans; school improvement plans; all or portions of Annual Accountability Reports submitted to the Alabama Department of Education; and other information relevant to Title I allocations or the accountability status of schools. In the districts cited above, the Citizens' Commission interviewed at length the superintendent of schools and/or the director of Title I, other knowledgeable school administrators, and the principal of each school. We toured schools, observed instruction in classes, ate school lunches with staff, spoke with students, and met teachers and counselors. Altogether, the Citizens' Commission interviewed 40 local administrators and teachers. (In addition, officials in Selma City and Wilcox County provided districtwide information about Title I. Regrettably, the superintendents of those two school systems, as well as the superintendent of another system the Citizens' Commission approached, Lowndes County, declined our request to visit schools.)

The result is a study that the Citizens' Commission believes will help make the coming debate over the reauthorization of Title I and competing proposals more informed. As the reader will see, the evidence regarding the difference that Title I has made for poor children in Alabama is mixed. The Citizens' Commission's research revealed that Title I has helped to narrow the gap in education revenue between high- and low-income areas created by the fiscal inequities in Alabama's school financing system. In fact, there are indications that the state had directly and indirectly spent Title I funds for the very necessities, such as school construction and renovation and regular classroom teachers, created by its own inequitable financing.

But Title I calls for much more. As detailed in this report, Alabama has been slow to implement many of the changes called for in the law, changes that could well accelerate progress toward achieving the state's goals of improving public schools. In Chapters II and III, we detail the momentous challenges Alabama faces, and the role that Title I is playing in meeting them. Chapter IV discusses examples of exemplary schools and practices. In Chapter V, we see how in many of the poorest districts examined by the Citizens' Commission, Title I is being used to support schools' most basic operational needs, not the special needs. In the conclusion, the Citizens' Commission offers some recommendations designed to ensure that the promise of the new Title I reforms becomes a reality for greater numbers of Alabama's poor children.

Chapter II

Inching Toward Change

Alabama has witnessed much ferment in education reform in the 1990s. Reform efforts have gathered steam, only to be stopped by political controversy, and then resumed in halting steps. Citizens have voiced concern about inadequate and inequitable education, and low spending on schools, and the negative image these deficiencies create for the business climate. African Americans have campaigned against the tracking of their children into low-level courses, a practice that perpetuates dual expectations and standards for educational attainment.

Obstacles to change are severe. Alabama is one of the poorest states in the nation by any measure. In 1997, per capita personal income was $18,781, near the bottom of the national scale. According to the 1990 census, nearly one-quarter (23.8%) of Alabama's children were living in poverty. Alabama ranks above only Florida, Louisiana, Mississippi, and the District of Columbia on measures such as child welfare, teen pregnancies, and infant mortality. The state has no preschool program, and kindergarten attendance is not mandatory. Political resistance to tax increases keeps local property taxes and state spending low, and keeps bond measures, which must be approved by the state legislature, off the ballot.[2]

I. Educational Conditions and Resources

Per-pupil funding for education in Alabama in the 1996-97 school year averaged $4,948, below the $5,620 average for the southeastern states and the national average of $6,335. Education revenue in the state comes from three sources. The state share of education revenue is 64.8%, far above the national average of 48.7% in the 1996-97 school year. Local revenue accounts for 24.9% of the total, compared to the national average of 44.5%. Federal revenues supply 10.2% of the total, above the national average of 6.8%.[3]

Like most states, per-pupil spending varies widely among school districts. In the 1996-97 school year, the Alabama Department of Education reported that expenditures per child in average daily attendance ranged from $6,157 to a low of $3,953. The mix of state, local, and federal dollars for education also varies widely among school districts, as shown in Figure 4. While the state contribution to total expenditures averages 64.8%, more affluent districts with a larger tax base generate more local dollars and are thus less dependent on state and federal funds. Conversely, low-wealth districts lack the tax base and taxpayer support for increased spending on public schools. This problem is particularly acute in areas where the public schools enroll students who are black and poor and the more affluent white residents educate their children in private academies. In these situations, public schools depend to a very large extent on the state funding formula.

Subsidized school breakfast and lunch programs and Title I are the principal components of federal revenue. Money for these two programs is distributed according to the number of children from low-income families in each school district. Although federal revenue contributes, on the average, 10.2% of total resources for education, it varies according to the number of children from poor families. The federal contribution to local school revenues ranges from 26.2% in Lowndes County to 6.9% in Etowah County, depending on the number of low-income children.

Figure 4. Revenue Sources; Per Capita Income; Average Per Pupil Expenditure (APPE); and % Free and Reduced-Price Lunch (FRPL) for Selected School Districts, 1997-98 School Year

School District	% Local Revenue	% State Revenue	% Federal Revenue	Personal Income Per Capita 1989	APPE	% FRPL
Birmingham	22.5%	63.9%	13.6%	Jefferson County $16,597	$4,558.94	75.0%
Dallas County	13.3%	71.7%	15.0%	Dallas County $10,313	$4,628.38	75.5%
Etowah County	22.5%	71.7%	5.8%	Etowah County $12,514	$4,559.07	16.4%
Gadsden City	26.9%	57.3%	15.8%	Etowah County $12,514	$5,668.04	60.0%
Homewood City	60.0%	37.3%	2.7%	Jefferson County $16,597	$5,979.39	14.0%
Linden City	19.8%	61.8%	18.4%	Marengo County $10,729	$5,855.23	89.5%
Lowndes County	10.2%	63.6%	26.2%	Lowndes County $10,628	$4,729.34	95.0%
Monroe County	17.7%	73.7%	8.6%	Monroe County $11,495	$4,612.51	55.7%
Selma City	20.5%	64.0%	15.5%	Dallas County $10,313	$4,628.38	77.6%
Wilcox County	17.2%	63.6%	19.1%	Wilcox County $ 9,448	$5,404.48	92.0%
Alabama Average	24.9%	64.8%	10.2%	$13,669	$4,948.00*	47.1%

* State average per pupil expenditure is for 1996-97 and excludes capital outlay and debt service.

Sources: Alabama Department of Economic and Community Affairs, *Alabama County Data Book 1997*, at 98 (Apr. 1997) (per capita income); Alabama Department of Education, 1997-98 District and School Report Cards (% revenue); Alabama Department of Education, *State of Alabama State Superintendent's Report Card FY 1996-97* (average per pupil expenditure for Lowndes County); Alabama Department of Education, *State of Alabama State Superintendent's Report Card FY 1997-98* (average per pupil expenditure data for all other districts); U.S. Department of Education, *Alabama State Performance Report 1996-97* (% revenue); % free and reduced price lunch calculated from Title I local educational agency plans for FY1998 and FY1999.

The Alabama Department of Education takes 1% of the state's Title I allocation for administration, technical assistance, and leadership. The remaining 99% of the allocation is distributed to school districts based on their numbers of poor school-age children. Title I reaches 60% of Alabama's schools and 32% of its public school students in pre-kindergarten through twelfth grade. Alabama's school systems received $125,978,962 in Title I funding for the 1998-99 school year. Of the 789 schools that received Title I funds in the 1996-97 school year, 71% had 50% or more of their student populations in poverty, as measured by participation in the free and reduced-price lunch program.[4] (See Figure 5.) In that school year, 236,659 Alabama students received Title I services. Title I participants were 58.7% African American and 39.2% white. Hispanics, American Indians, and Asians represented less than 1% each.

Figure 5. Alabama Title I Schools by Poverty Level, 1996-97 School Year

% Poverty	Number of Schools
0 to 34%	40
35 to 49%	188
50 to 74%	303
75 to 100%	258
Total	*789*

Source: U.S. Department of Education, *Alabama State Performance Report 1996-97*.

Figure 6. Title I in Alabama: Basic Facts

Title I Allocation, 1998-99	$125,978,962
% Schools Served	60%
Number of Schools Served	789
% Students Served	32%
Number of Students Served	236,659
% Title I Schools Above 50% Poverty	71%

II. Reform Trends

Despite the barriers posed by inadequate resources and inequitable educational conditions, reform efforts have moved the state forward on a few fronts.

A. Equity and Adequacy Litigation

Lawsuits filed by poor school districts (*Alabama Coalition for Education v. Hunt*) and individual school children (*Harper v. Hunt*) in 1993 brought before the state judiciary the issues raised by the fiscal inequities in Alabama's educational system. In those cases, the Montgomery County Circuit Court found that the disparities in Alabama's school funding violated the state constitution. The court held that the plaintiffs had shown significant differences in educational conditions and resources between the wealthier and poorer systems with respect to the age and condition of school buildings, classroom resources, pupil-teacher ratios, libraries, proportion of students enrolled in advanced courses, and professional development opportunities for teachers. The court went on to state that:

Disparities such as these have been evident for the past 20 years . . . [and] that the cumulative

and . . . inter-generational effect of differential funding in Alabama public schools is unquestionably significant . . . . [D]efendant's own evidence suggested not only that this funding gap is not closing, but that it has actually widened substantially in the last six years. In addition the Court finds that the comparatively greater educational need shown by the plaintiffs to exist in many of the poorer systems further exacerbates the effect of these funding disparities.[5]

Accordingly, the court ordered the state to implement an array of ambitious reforms calling for, among other things, student and educator performance standards, assessment strategies related to student performance objectives, graduation and promotion standards, accountability at all levels, professional development, and early childhood programs. The court's Remedy Order also included provisions related to safe school buildings; transportation; text books, instructional materials, and supplies; and the use of technology for classroom learning.[6]

But on December 3, 1997, the Alabama Supreme Court, while affirming the Circuit Court's order on liability, vacated its Remedy Order, although leaving open the possibility that the plaintiffs could return to the trial court if the state had not complied "within a reasonable time." An attempt at legislative reform responding to the Circuit Court's decision offered by Alabama First, the Governor's Task Force, was also derailed. This reform package, which embodied the principles of a blueprint developed by the A+ Coalition for Better Education, a grassroots advocacy organization and research foundation, proposed that Alabama's education system be based on performance standards, accountability for results, and the belief that all children can learn at higher levels. Other proposals included pre-kindergarten programs for disadvantaged children, the removal of health and social service barriers to learning, and school-based decision-making. However, Alabama First's reform package, which carried a price tag of $2 billion, was defeated twice in the Alabama legislature in 1994, with opposition coming from anti-taxers (principally the farm and forest industries), the Alabama Education Association (although it had originally endorsed the blueprint), and conservative forces that labeled the reforms "outcomes-based" education.[7]

B. Legislative Action

In 1995, with the support of the Alabama Education Association, Governor Fob James succeeded in moving through the legislature two measures,[8] which, while lacking the substantive reforms contained in the Circuit Court's Remedy Order, nonetheless instituted new requirements for Alabama schools and students. The first of these measures, the Accountability Act of 1995, required statewide minimum standards, statewide testing of students, and financial and academic accountability for school districts and schools. The second measure, the Foundation Law of 1995, made minor changes, the first in 60 years, to the Foundation Program that allocates state funds to districts depending upon districts' own level of support for schools. Neither of these legislative reforms, however, addressed funding inequities or provided new state money.

Nonetheless, the tougher graduation requirements that the reforms contain will likely have a significant impact on students and schools. According to State Superintendent Ed Richardson, the goal of better-educated graduates is what has driven the major initiatives pursued by the State Board of Education and the State Department of Education during the past four years. Beginning with the class of 2000, high school students must earn 16 credits (as opposed to 11 credits under the former standards): 4 credits each in English, mathematics, science, and social studies. Eight more credits, for a total of 24, must be earned in physical education (1 credit); fine arts; health education; and computer applications (one-half credit each). Five and one-half credits in electives are also required.[9]

In addition to the increased course requirements, a new high school exit examination set at an eleventh-grade standard will replace the current exam, which is currently geared to an eighth-grade level. This year's tenth graders took the new exam on a pilot basis in the spring of 1999. Results of that test

are intended to help students and their teachers prepare for new high-level tests beginning in 2001. Under the new course and test requirements for high school graduation, students can obtain a regular diploma or the Alabama high school diploma with an advanced academic endorsement. Special education students who choose to pursue employment rather than college after high school can now earn an occupational diploma, instead of the certificate of attendance previously provided under the old system.

The Alabama Department of Education calls the new 24-credit requirement the most rigorous standard for graduation in the nation. State officials assert that the new high school diploma, combined with the eleventh-grade level examination, will "mean something."

Nonetheless, "scared" is not too strong a word to describe the feelings of local educators interviewed by the Citizens' Commission. Simply put, these educators fear the tougher standards for high school students will result in massive failure. Most of the students to whom the new standards will apply will not have had the preparation in elementary and secondary grades that would prepare them to master the 24-credit requirement or pass the new high school exit examination. In the view of many educators in the low-wealth, predominantly black and poor school systems, current high school curriculum, equipment and materials, and inadequately trained teachers are not equal to the task of ensuring student success.

In the 1998-99 school year, state board members and the Alabama Department of Education considered, proposed, or implemented an array of further reforms in class size reduction, teacher preparation, professional development, and vocational/technical education, among others. In 1998, the state legislature passed a $3.84 billion education budget that included an 8.5% pay raise for teachers and discretionary funds for each state legislator to pass out to schools in their districts. A new program for "at-risk" students (those testing below the 50th percentile on the state test) allocates $100 per student. From the Foundation Program, local school systems have available, on a per-teacher-unit basis, $60 for professional development, $75 for technology, $500 for materials and supplies, and $135 for library enhancement. The textbook allotment is $52.50 per student.

At the conclusion of the legislative session in 1999, the state provided funding for 200 new teacher units. The state expects the federal government to provide funding for another 400 units. In addition, $38 million was appropriated for at-risk programs, including $6.3 million for assistance to persistently low-scoring schools. Two additional days of professional development (salaries only, not training) are included in the budget.

C. Alabama Reading Initiative

In cooperation with state universities, the Alabama Department of Education has launched the Alabama Reading Initiative with a goal of having all public school students reading grade-level material. The Reading Initiative grew out of the work of the Alabama Reading Panel, a 25-member group appointed in 1996 by the State Board of Education, representing classroom teachers, college and university personnel, and representatives of business, industry, and nongovernmental organizations. The Panel's first activity was to establish a research base to guide its efforts. Rather than adopt commercially available curriculum packages, it concluded that the best approach for teaching reading was to provide teachers with the ability to implement effective practices associated with both whole language and phonics orientation.

The Reading Initiative began operation in the summer of 1998 with a summer academy for teams of 524 teachers and the principals from 16 schools that had volunteered to participate. The 10-day summer academy provided teachers with extensive training on how to incorporate the best practices of both approaches into the reading programs their schools already use. During the school year following the summer academy, the schools participating in literacy demonstration sites received ongoing support, evaluation, and frequent observation.

The starting budget for the Reading Initiative and the 1998 summer academy was $655,000. Sources of funding included local school district con-

tributions, the Alabama Department of Education, and corporations, foundations, and individual contributors. Participants in the summer academy received a stipend of $50 per day, plus all expenses for housing, meals, and mileage. Expansion of the Reading Initiative to 64 schools is planned for the summer of 1999 and the 1999-2000 school year. The State Department of Education obtained $6 million in state funds to support this effort to boost reading achievement.

The Reading Initiative is seeking to link colleges of education with its work in elementary and secondary schools. One hundred faculty from teacher education programs in Alabama attended a week-long advance study in reading in March 1999. Some of these higher education faculty will become partners with new schools that sign up to become literacy demonstration sites.

III. Conclusion

In 1993, the fiscal inequalities in Alabama's school funding were found to have violated the state constitution. Since then, neither the Alabama state legislature nor the executive branch has implemented remedies that respond to the deficiencies identified by the court. As detailed later in this report, the Citizens' Commission's research revealed that Title I has helped to moderate some of the inequities between low-wealth and higher wealth areas. Yet with state and local revenue failing to even provide the cost of the regular program—classrooms, teachers, instructional supplies and equipment—federal funds are paying for the basics, not the special needs of disadvantaged students. Whether Title I has had an impact in leveraging broader change with respect to state-created inequities in Alabama is the focus of the next three chapters.

Chapter III

Title I in Alabama

For more than 34 years, Title I has provided Alabama with federal funds to improve education for children who attend schools with high concentrations of poverty. These supplementary funds support improvements in teaching and learning for students who are most at risk of school failure.

But Title I is more than a revenue source. It calls for schools that receive federal funds to use the same standards and assessments the state establishes for *all* children. States are responsible for measuring student achievement through an accountability system, identifying schools that require improvement, and providing help to those schools.

Each state is required to submit to the U.S. Department of Education for approval a State Plan that describes how the state will implement Title I and certain other federal programs in concert with the state's own education reform agenda. Alabama's Plan was conditionally approved on July 1, 1996, for only one year. As a condition for approval, the U.S. Department of Education required clarification regarding the state's content standards and their alignment with the Stanford Achievement Test, Ninth Edition (SAT 9), the assessment chosen by the state to measure progress.[10]

Alabama submitted a revised Plan in March 1997, which was approved on June 24, 1997. On July 9, 1997, the Department wrote to State Superintendent Ed Richardson asking for documentation of the state's process for developing student performance standards.[11] Alabama had no such process; accordingly, the state asked for, and was granted, a waiver of the standards' deadline requirement.

More than a year later, on August 18, 1998, State Superintendent Richardson submitted a revised Plan and requested approval of Alabama's Plan without further waivers.[12] Plan approval has not yet been granted, pending evidence that the state has a process and procedure for developing student performance standards.

In the sections that follow, using real-life examples from Alabama's Plan, as well as examples drawn from independent research, we examine how the policies and practices of Alabama and selected school districts have fulfilled—or, in some cases, thwarted—the promise of the new Title I with respect to our poorest children.

I. Alabama Standards, Assessment, and Accountability

A. Content Standards

Content standards define what all students should know and be able to do at various grade levels in academic subjects, making visible and understandable the goal of teaching and learning. Students then understand what is expected of them and will have a better sense of the progress they are making toward meeting the standards. For teachers and principals, content standards provide a framework and focus for the instructional program and for the professional development of the staff. Parents and community members will also share an understanding of what students should be learning. For local school officials and school board members, state officials, and teacher training institutions, content standards are a means of ensuring that all parts of the education system are working together in a coherent fashion.

The federal government does not dictate the content of a state's standards. But while states are not required to send their content standards to Washington, D.C., for approval to receive Title I funds, they do have to provide evidence that their standards are rigorous and challenging, or that they hold students to high expectations.

Alabama's content standards have been developed by committees of Alabama educators. Known as the Alabama Courses of Study, these standards cover the following subjects: English language arts, mathematics, science, social studies, health education, arts education, foreign languages, and career/technical education. Alabama's March 1997 Consolidated State Plan says that the Alabama Courses of Study are the "minimum" that must be taught in the state's schools. Local districts may add content or emphasis to the Courses of Study. To satisfy federal concerns that Alabama's content standards might not be sufficiently challenging, the Alabama Department of Education added in its revised Consolidated Plan of August 1998 that "the standards . . . are based on national standards and trends and are not minimal in nature."

B. Performance Standards

While content standards define what students should know and be able to do, student performance standards show how well students have achieved those standards. They are linked directly to the content standards and are narrative rather than numeric descriptions. For example, achieving the "proficient" standard in reading or mathematics has greater educational meaning than being ranked at the 60th percentile. The former describes whether the student is meeting the state's content standards. The latter describes the relative position of a student with respect to other students.

Performance standards define distinct levels of performance. Under Title I, there must be at least three levels of attainment: two high-performance levels—proficient and advanced—and a partially proficient level that tells how well children are progressing toward proficient.

Alabama has not established student performance standards that meet Title I requirements or a process for developing them, which is why the state's Plan has not yet won federal approval. Alabama's current performance standards are defined by stanines and percentiles on the Stanford Achievement Test, Ninth Edition (SAT 9), a nationally normed test. In its original 1996 Plan, the Alabama Department of Education informed the U.S. Department of Education that its student performance standards were:

PARTIALLY PROFICIENT	**ALERT**	Stanines 1-3; percentiles 1-22
PROFICIENT	**CAUTION**	Stanines 1-4; percentiles 1-39
ADVANCED	**CLEAR**	Stanines 5-9; percentiles 40-99

In response, the U.S. Department of Education questioned whether the 40th percentile was a high enough standard to be considered proficient. In a June 6, 1997, letter to the U.S. Department of Education, State Superintendent Ed Richardson said that the stanine and percentile ranks were not "permanent definitions." Based on a review and an analysis of the 1997 scores, the State Superintendent would "recommend to the State Board of Education that the standards be raised."[13]

In August 1998 correspondence to the U.S. Department of Education, State Superintendent Richardson stated that Alabama was adding an additional category "for Title I purposes" only. According to Dr. Richardson's letter, this additional category was being added on the recommendation of the U.S.

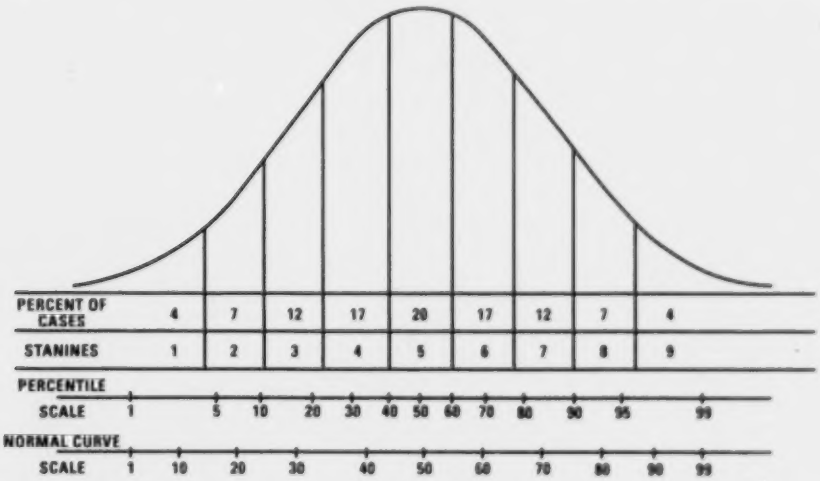
Department of Education's Peer Review consultants, in order to describe more distinctly what students should know and be able to do at an advanced level of performance, as follows:

BELOW BASIC	**ALERT**	Stanines 1-3; percentiles 1-22
BASIC	**CAUTION**	Stanines 1-4; percentiles 1-39
PROFICIENT	**CLEAR**	Stanines 5-6; percentiles 40-76
ADVANCED	**CLEAR**	Stanines 7-9; percentiles 77-99

Under the new categories, *Caution* is relabeled *Basic*; *Clear* is subdivided into *Proficient* and *Advanced*; but the percentile ranges remain the same. But because schools are not required to have any proportion of their children achieving at the advanced level, these changes are purely symbolic. As any Alabama educator knows, achieving *Clear* gets your school "off the list." Moreover, while the revised 1998 Plan stated that the "goal is for Alabama students to score at or above the 50th percentile and for Title I students to score equally as well as their grade level peers," as discussed below, there is nothing in the state's accountability system that operationalizes that goal.

Several observations about these performance standards are in order. First, the standards are set at very low levels; on a nationally normed scale of 0 to 100, proficiency in Alabama is the 40th percentile, which is 10 percentiles below the "national" average at the 50th percentile. (See Figure 7.) The "national" average is not keyed to any substantive standard that describes what students should know and be able to do.

Figure 7. Bell-Shaped Curve



Copyright © 1998 by the Riverside Publishing Company. All rights reserved. Reproduced with permission of the publisher.

Second, not all students are expected to meet the standards; only *half*, or a bare majority, of students in a school must test at the 39th percentile or higher. Third, schools are judged on the *average* score of all students, not by how many students are advanced, proficient, partially proficient, or not proficient. Fourth, the scores are arbitrary cut points that are not aligned with the content standards.

It is important to note that, as the Alabama Department of Education works on improving accountability for schools and districts, it has failed to take steps to guard against the inappropriate use of the SAT 9 to track students by so-called "ability" groups. In Linden City High School, for example, English classes are tracked by stanines. In eleventh grade English, students are grouped into stanines 1-5, stanines 4-5, and stanines 6-9. Twelfth grade English is divided into Advanced (stanines 7-9), College Prep (stanines 5-6), and Career English (stanines 1-5). The labels themselves differentiate the curriculum, holding some students to lower expectations. Linden City High School has many positive attributes, including a well-equipped computer lab, a student newspaper produced and printed electronically, small classes, and an impressive number of graduates who go on to college. Yet it is not providing its faculty with the instructional skills and assistance they need to help all students reach the high standards called for by Title I.

C. Assessment

A standards-based education system requires an assessment system that is aligned to the content and performance standards. "Alignment" means a match that is as close as possible between the standards and the assessment with respect to coverage, emphasis, and difficulty of the subject matter. Schools are often criticized for "teaching to the test," implying that students are being coached rather than taught. However, if there is a good match, or alignment, between the standards, the curriculum, and the assessment, students will be tested on what they have been taught. Moreover, when states adopt multiple measures (e.g., writing assessments and open-ended items, in addition to multiple-choice formats), they decrease the chances that teachers will narrow curriculum to conform to the test format.

Title I requires states, by the 2000-01 school year, to adopt and use new assessments aligned with the high academic standards the law also mandates. These assessments must provide individual scores or reports of student progress, and must include *all* students, including those who have limited proficiency in English, who are disabled, or who change schools during the school year. In addition, assessment results must be disaggregated by race, gender, disability status, migrant status, limited English proficiency (LEP) status and low-income status. And while school districts are allowed to supplement statewide Title I assessments with additional measures, these measures are not to be used as a substitute for final statewide assessments, or to thwart the purposes of a statewide accountability system.

Alabama law, however, mandates the use of a nationally norm-referenced test. A norm-referenced test is fundamentally at odds with the standards-based system called for by Title I. A normed test compares achievement, in stanines or percentiles, of one student to another, or one school to another. It assumes that half of the test takers will fall above the "national average" and half will fall below. If the 50th percentile is considered to be some kind of standard, half of the test takers will never be able to meet it. By contrast, in a standards-based system, a test compares student achievement to an objective standard, or criterion, that specifies what students are expected to know and be able to do at various grades.

The Alabama State Board of Education chose the SAT 9 as the norm-referenced test it would use to measure school and school district accountability. It was chosen, according to the Consolidated Plan, because "there is an extremely high correlation between the SAT 9 and the Alabama courses of study," in reading, language arts, mathematics, and science due to the influence of national professional standards in those subject areas.

For every other measure of student performance, however, Alabama uses criterion-referenced tests that utilize absolute standards. These tests include:

- Alabama Early Learning Inventory;
- Alabama Diagnostic Reading Assessment (grades one and two);
- Alabama Direct Assessment of Writing (grades five and seven);
- High School Basic Skills Exit Exam;
- Pre-Graduation Exam; and
- Alabama High School Graduation Exam (for high school graduation beginning in 2001).

Thus, for example, in contrast to how performance levels (i.e., *Clear, Caution,* and *Alert*) are assigned to schools, the Alabama Direct Assessment of Writing applies the following four achievement levels to students:

LEVEL I : Indicates that a student has demonstrated a minimal grasp of the knowledge and skills that are fundamental for work at course or grade level.

LEVEL II: Indicates partial mastery.

LEVEL III: Indicates solid academic performance.

LEVEL IV: Indicates superior performance beyond grade-level mastery.

Using these achievement levels rather than the stanine levels assigned to schools, the Alabama Department of Education reported on October 5, 1998, that 76% of fifth graders and 79% of seventh graders demonstrated partial (Level II) or stronger (Levels III and IV) mastery of the knowledge and skills that are fundamental for writing at the respective grade levels.[14]

1. Disaggregating Test Results

Title I requires that the results of a state's assessment be disaggregated by race, gender, economic status, LEP status, migrant status, and disability status. This information is critical for ensuring that every student counts when schools are held accountable for the progress of all children.

The charts attached to the state performance report for 1996-97 (see Figure 8) display SAT 9 scores for Alabama fourth graders in reading and mathematics and for eighth grade mathematics by academic level (i.e., *Alert, Caution,* and *Clear*). Alabama has reported disaggregated results of the SAT 9 for the 1996-97 school year to the U.S. Department of Education, but it has not released those results publicly within the state. Similarly, the State Superintendent's Report Card for 1997-98 for every school and district reports total SAT 9 scores only by grade, with no breakout by subject, such as reading and mathematics, or by student subpopulation, such as race, gender, economic status, disability, or LEP status.

Such information would enable local school officials, teachers, parents, and the community to identify and address the areas of instructional need for specific groups of students. Results could be posted for three years, as the Report Cards now provide for total battery scores, so that progress and accomplishment can be monitored. Furthermore, results for each academic area should be reported separately. This would be an especially important change to highlight the state's emphasis on improving the reading achievement of Alabama students.

It should be noted that, for the first time since Alabama began administering the SAT 9 four years ago, the 1998 SAT 9 results released by the Alabama Department of Education included, in school and district summaries, the scores of those students with disabilities who took the test. The SAT 9 results that were released included the scores of 41,254 special education students, 24,836 of whom possessed disabilities ranging from autism to brain injury, while the remaining 16,418 students were gifted and/or speech impaired. However, those scores were not reported separately, and the scores of disabled stu-

Figure 8. Excerpt from Alabama Performance Report, 1996–1997

SAMPLE REPORTING FORMAT for School Year 96–97*

READING/LANGUAGE Student Proficiency in [Subject] in [Grade Span] FOURTH GRADE				
	Percent or Total Number, by "N" Levels**			
	Level #1	Level #2	Level #3	Level #4....→
Students, by type of school				
–Targeted Assistance schools (TAS)	20.6	19.5	59.9	
–Schoolwide Programs (SWP)	33.1	23.1	43.8	
–All Title I schools	26.6	23.3	50.1	
–All schools	23.1	19.3	57.6	
Students, by school poverty level				
– 0-34%	15.7	14.5	69.8	
– 35-49%	20.9	19.8	59.3	
– 50-74%	24.2	21.4	54.4	
– 75-100%	38.1	24.5	37.4	
Low-income students	27.7	21.9	50.4	
Limited English proficient students	50.7	13.4	35.9	
Migrant students	25.0	36.3	41.4	
Students with disabilities	52.2	31.4	16.4	
Students, by race/ethnicity (modify as relevant)				
– White (not of Hispanic origin)	15.9	16.3	67.8	
– Black (not of Hispanic origin)	36.8	25.1	38.1	
– Hispanic	21.5	23.0	55.5	
–Asian/Pacific Islander	10.7	10.1	79.2	
– American Indian/Alaskan Native	18.2	15.6	66.2	
Students, by gender				
– Male	27.5	20.3	52.2	
– Female	18.6	18.3	63.1	

* Note. This format is provided for illustrative purposes only. States with their own reporting format are encouraged to use them. We will not be aggregating results across the States since they reflect different standards and assessments.

** Please define and describe the performance levels used in your state and explain the relationship of the levels to partially proficient, proficient, and advanced.

LEVEL #1: "PARTIALLY PROFICIENT" (ALERT); LEVEL #2: "PROFICIENT" (CAUTION):
LEVEL #3: "ADVANCED" (CLEAR)

BEST COPY AVAILABLE

SAMPLE REPORTING FORMAT for School Year 96-97 *

MATHEMATICS Student Proficiency in [Subject] in [Grade Span] FOURTH GRADE				
	Percent or Total Number, by "N" Levels**			
	Level #1	Level #2	Level #3	Level #4...→
Students, by type of school				
--Targeted Assistance schools (TAS)	15.4	15.2	69.4	
--Schoolwide Programs (SWP)	25.9	19.7	54.4	
--All Title I schools	21.8	17.9	60.3	
--All schools	18.7	15.5	65.8	
Students, by school poverty level				
– 0-34%	13.4	12.5	74.1	
– 35-49%	18.3	16.1	65.6	
– 50-74%	19.0	16.9	64.1	
– 75-100%	30.4	20.6	49.0	
Low-income students	22.6	17.9	59.5	
Limited English proficient students	45.2	17.2	37.6	
Migrant students	17.8	19.7	62.5	
Students with disabilities	55.2	19.1	25.7	
Students, by race/ethnicity (modify as relevant)				
– White (not of Hispanic origin)	12.9	12.4	74.7	
– Black (not of Hispanic origin)	29.7	21.6	48.7	
– Hispanic	20.8	13.0	66.2	
--Asian/Pacific Islander	6.1	6.1	87.8	
– American Indian/Alaskan Native	14.3	11.3	74.4	
Students, by gender				
– Male	20.5	15.3	64.2	
– Female	16.8	15.7	67.5	

* Note. This format is provided for illustrative purposes only. States with their own reporting format are encouraged to use them. We will not be aggregating results across the States since they reflect different standards and assessments.

** Please define and describe the performance levels used in your state and explain the relationship of the levels to partially proficient, proficient, and advanced. (Described on previous page)

BEST COPY AVAILABLE

SAMPLE REPORTING FORMAT for School Year ~~96-97~~*

MATHEMATICS Student Proficiency in [Subject] in [Grade Span] EIGHTH GRADE				
	Percent or Total Number, by "N" Levels**			
	Level #1	Level #2	Level #3	Level #4....→
Students, by type of school				
–Targeted Assistance schools (TAS)	24.5	19.6	55.9	
–Schoolwide Programs (SWP)	37.6	23.4	39.0	
–All Title I schools	33.6	20.3	46.1	
–All schools	24.1	19.3	56.6	
Students, by school poverty level				
– 0-34%	17.3	16.1	66.6	
– 35-49%	25.1	20.7	54.2	
– 50-74%	28.4	22.0	49.6	
– 75-100%	44.1	26.4	29.5	
Low-income students	32.5	23.1	44.4	
Limited English proficient students	44.9	18.4	36.7	
Migrant students	22.1	35.3	42.6	
Students with disabilities	62.8	19.6	17.6	
Students, by race/ethnicity (modify as relevant)				
– White (not of Hispanic origin)	15.6	16.1	68.3	
– Black (not of Hispanic origin)	40.0	25.9	34.1	
– Hispanic	28.7	16.9	54.4	
–Asian/Pacific Islander	6.5	10.9	82.6	
– American Indian/Alaskan Native	21.3	19.5	59.2	
Students, by gender				
– Male	34.9	17.4	47.7	
– Female	21.9	19.6	58.5	

* Note. This format is provided for illustrative purposes only. States with their own reporting format are encouraged to use them. We will not be aggregating results across the States since they reflect different standards and assessments.

** Please define and describe the performance levels used in your state and explain the relationship of the levels to partially proficient, proficient, and advanced. (Described on previous page)

dents were not included for purposes of classifying schools and districts by performance levels. Furthermore, no scores for LEP students were mentioned, although some LEP students did take the exam. For example, at the Adams Elementary School in Gadsden, eight LEP students were enrolled in the 1997-98 school year, four of whom took the SAT; yet the scores of these students were neither reported nor included in determinations of school or district status.

2. Testing Disabled Students

Disabled students served by Title I must be included in the state assessment with any necessary accommodations. Alabama policy on including disabled children in assessments, however, does not comply with federal law. According to the Alabama State Performance Report for the 1996-97 school year, 25,184 disabled students who had Individual Educational Plans participated in Title I. Yet large numbers of these are exempted from assessment.

Significantly, the *Alabama Student Assessment Program Policies and Procedures for Students of Special Populations*, Bulletin 1998, No. 11 ("Bulletin No. 11") fails to mention the requirements of Title I or the 1997 amendments to the Individuals With Disabilities Education Act, both of which call for the assessment of all special education students. According to the Bulletin, "those students who can adhere to standardized procedures for administration will participate in norm-referenced testing." The Bulletin states that testing accommodations "may" be provided so that a student's disability is considered, but that these accommodations may not change the standardized test procedures under which the SAT 9 is administered. Alabama policy limits accommodations to the scheduling or the setting under which the SAT 9 is administered; how the test is presented to a student or how he or she is allowed to answer questions cannot be adjusted. Thus, a visually impaired student would be exempt from taking the SAT 9 because the state makes available no version of the SAT 9 in Braille or large type.

3. Assessing Limited English Proficient Students

Students with limited proficiency in English, like disabled students, must be included in state assessments used for Title I purposes. Specifically, the law requires that LEP students "be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information" about what they know and can do, to determine their "mastery of skills in subjects other than English."[16] This includes the provision of accommodations, as well as, under some circumstances, assessments in students' native languages.

Bulletin No. 11 defines an LEP student as one whose native language is not English and whose difficulty in speaking, reading, or writing is an obstacle to learning in the classroom in which English is the only language of instruction. These students are exempt from taking the SAT 9 for two years (with the possibility of a third-year extension) even if the student is currently receiving language acquisition services under Title I. Accommodations for LEP students are limited to changes in scheduling or setting.

Nor does Alabama provide for assessment in Spanish or other languages spoken by LEP students in the state. Unlike some school systems that use the SAT 9, Alabama does not administer a Spanish exam comparable to the SAT 9, such as Aprenda. Alabama's accountability law, the Accountability Act of 1995, neither prohibits nor requires testing in languages other than English. It simply states that "[I]t is necessary that the State Board of Education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language," and that "[t]he legislature . . . finds that the English language is a common bond that holds our society together."

Alabama's Consolidated State Plan duplicates, virtually verbatim, Bulletin No. 11. Alabama's Plan was approved by the U.S. Department of Education (with the exception of conditions not relevant here), despite the permission it gives districts to escape from accountability for the progress of disabled and LEP students. In addition, the Plan says nothing about developing, or obtaining from another state,

assessments in core academic subjects in languages other than English so that there is an accurate means of judging the progress of these students.

D. Accountability

The key to a *meaningful* accountability system is to define the "substantial and continuous" progress virtually all students are expected to make in achieving proficiency within an expected time frame. Under Title I, states must develop and implement, by the 2000-01 school year, comprehensive systems of accountability for all Title I schools. These accountability systems must be based on state standards, and assessments aligned with those standards.

The key to an *effective* accountability system is a determination, and public statement of, the gains expected of students, schools, and school districts. Each state must devise its own definition, within the parameters set by federal law, of what constitutes "adequate yearly progress" (AYP) for schools and school districts receiving Title I funds. AYP is to be defined in a manner that:

- results "in continuous and substantial yearly improvement of each [Title I district] and school sufficient to achieve the goal of all children served under . . . [Title I], meeting the State's proficient and advanced levels of performance, particularly economically disadvantaged and limited English proficient children"; and

- "links progress primarily to performance on . . . [state] assessments . . . while permitting progress to be established in part through the use of other measures" (such as dropout, retention, and attendance rates).[16]

To be "sufficient to achieve" the goal of advancing all, or virtually all, participating students to the proficient and advanced levels of performance, within some reasonable time period means that the definition of AYP will need to require different rates of progress for different students. To be "substantial," the amount of expected progress should be much more than minimal. To be "continuous," schools should make progress toward increasing the proportion of students who are achieving at higher levels and decreasing the proportion of students who are achieving at lower levels. In addition, the law contemplates that the requirements of AYP will be satisfied only if a district or school makes such progress for disadvantaged and LEP students separately as well as for the student body as a whole.

1. Alabama's Accountability Law

Like Title I, Alabama's Accountability Act of 1995 holds schools and districts accountable for improving student achievement. The 1995 law represents the first effort in Alabama's history to hold its schools accountable for academic performance. Along with state mandates that hold schools and districts responsible for financial management, the law represents a significant step forward in education reform.

The law has captured the attention of local educators and drives much of the instructional program. Whereas once the sign in front of a school may have touted its students' athletic accomplishments, today the sign outside a Wilcox County school exhorts students to do well on the SAT 9. (Wilcox County moved from *Caution* in 1997 to *Clear* in 1998.) But the focus of many schools is not on securing improvement for *all* students, but only on what is necessary to move the school from the categories *Alert* or *Caution* to *Clear*. In practice, this may mean that the school gives its attention largely to those students who are closest to the bar (the 39th percentile). Once a majority of students reaches the 40th percentile, the school is "in the clear" and may no longer worry about the very large proportion of students who are still in *Alert* or *Caution*.

While accountability for school and district improvement has a profound motivating affect on adults, some principals and central office officials have reported that high school students do not take the SAT 9 seriously because, unlike the test required for high school graduation, it has no consequences for them. One school official, Dallas County Superin-

tendent George Evans, has tried to address this problem by telling students that their SAT 9 score will positively affect their classroom grade. Superintendent Evans prepares bar graphs for each school that display its SAT 9 scores in comparison to the district and the state. He uses this data to discuss with teachers and students the relative performance of their school compared to the district and the state. Dallas County was classified as *Alert* in 1997 but moved to *Clear* in 1998 when the majority of all students in all grades tested scored at or above the 40th percentile.

It is important to note that three categories of students are outside the accountability system altogether: those who are disabled, those who are learning English, and those who are in the first and second grade. The test scores of special education students and LEP students are not used to classify schools or school systems; thus, schools and school systems are not held responsible for their progress. Schools with a K-2 grade structure, such as Southside Primary in Dallas County, are outside the accountability system because SAT 9 testing begins in grade three.

2. Alabama's Rate of Progress

The State Plan approved by the U.S. Department of Education did not contain any explanation of the rate of progress that Alabama required of schools. At the Citizens' Commission's request, state officials supplied two pages, labeled "Sufficient Yearly Progress." Only schools in the *Alert* and *Caution* categories are required to improve the average achievement of students, chiefly by reducing the proportion of scores below the fourth stanine. Schools in the *Clear* category are not required to make any further progress, although they do have to ensure that their scores do not push them back into *Caution*.

The following rates of progress (see Figure 9) apply to schools as well as school districts:

Figure 9. Sufficient Yearly Improvement For 1998

CAUTION	Decrease the percentage of students scoring in stanines 1-4 in 1997 by at least 2%.
ALERT I	Decrease the percentage of students scoring in stanines 1-3 in 1997 by at least 5%
ALERT DUE TO FAILURE TO MEET CAUTION IMPROVEMENT	Schools that made improvement in 1997 but by less than the required decrease of 2% in stanines 1-4 must decrease the percent of students scoring in stanines 1-4 in 1996 by at least 4%
ALERT II	Schools either not improving or not increasing in 1997 the percent of students scoring in stanines 1-4 must decrease the percent of students scoring in stanines 1-4 in 1997 by at least 4%.

Source: Alabama Department of Education, *Sufficient Yearly Improvement for 1998.*

3. Trends in School Improvement

Figure 10 shows the accountability status of Alabama schools and school systems for three school years.

As discussed above, Title I requires schools and districts to make "substantial and continuous progress" toward the goal of all students meeting the state's performance standards. As we have noted, however, Alabama's notion of Sufficient Yearly Improvement uses an absolute gauge to measure school performance, rather than assessing the continuing improvement of all students within performance standard levels.

If the concept of substantial and continuous progress is applied to Alabama's system of perfor-

Figure 10. Academic Status

	Alert		Caution		Clear	
	Schools	Systems	Schools	Systems	Schools	Systems
1996	24 (2%)	0*	280 (22%)	23* (18%)	945 (76%)	74* (58%)
1997	97 (8%)	3 (2%)	135 (11%)	9 (7%)	1,032 (82%)	115 (91%)
1998	111** (9%)	7 (6%)	110 (9%)	6 (5%)	1,047 (83%)	114 (90%)

* Only systems meeting the 1996 definition of *Alert*, *Caution*, or *Clear* received a 1996 status.
** Number of *Alert* Schools in 1998: 34 in *Alert II*, 77 in *Alert I*.

Source: Attachment to State of Alabama Department of Education News Release, *Stanford Achievement Test Scores Released* (June 25, 1998).

mance levels, one would expect to see over time fewer schools and systems in the lowest category (*Alert*) and more in *Caution* and *Clear*. The trend, however, is that more schools and systems are falling behind, and there has been only slight movement upward into the *Clear* category. Looking at increases over the three years, there has been a 27% increase in *Alert* schools and a 10.85% increase in *Clear* schools. The middle category, *Caution*, shows a decline in both numbers and percentages of schools. But these schools are not moving upward toward *Clear* in large numbers. Of the 130 schools that were in *Caution* in 1997, 22 moved up to *Clear*, and 72 regressed to *Alert* in 1998. Thirty-six (36) schools remained in *Caution* status.

What might explain these trends? For one thing, the test that students took in 1998—the full-length SAT 9—was more difficult and contained more questions than the test that was administered in the two previous years. Second, some schools in the *Clear* category had rested on their laurels and failed to maintain half their students at or above the 40th percentile. Third, science and social studies items were included on the SAT 9 for the first time in grades nine to twelve; almost 40% of schools in *Alert* in 1998 were secondary schools.

The fourth explanation for this seeming regression may be explained by the way Alabama's accountability system operates. A school's scores can actually fall in the *Caution* range (a majority in stanines 1-4, or at or below the 40th percentile) but be classified as *Alert* because it did not decrease the percentage of student scores in that range by two percentage points. As just one example, Tipton Middle School in Dallas County moved from *Caution* in 1997 to *Alert* in 1998 because its percentage of students in the *Caution* range declined by 1.9%, just shy of the 2% requirement. A difference of one student at a single threshold can make a decisive difference. Tipton got no "credit" for increasing by 5% (8 students) the proportion of students in *Clear*.

Similarly, a school in *Alert* can have a majority of its scores in the *Alert* range (stanines 1-3, or at or below the 23rd percentile) but move from *Alert I* to *Alert II* (one step from state takeover) because it did not achieve a decrease of 5% of scores in that range. Of the 111 schools in *Alert* in 1998, 77 maintained that

status, but 34 failed to attain the 5 percentage point decrease, thereby falling into the *Alert II* category.

A fifth possible explanation is that there is no early warning policy that identifies and assists schools with declining scores in order to prevent them from falling into *Caution* or *Alert* status.

4. Assistance for Schools in Need of Improvement

Alabama law requires the state education agency to provide help and assistance to schools that have been classified in the *Alert* and *Caution* categories. Schools placed in *Alert* must engage in a self-study to examine the reasons for low student achievement and develop a school plan for improvement. The Alabama Department of Education provides assistance in developing the plan, which is submitted to the state agency. The state education agency also offers staff development to the *Alert* school.

Schools placed in *Alert II* are assigned a team of practicing professionals that works more intensively with the faculty, staff, and community to improve student performance. Additionally, the Alabama Department of Education uses funds from the federal Comprehensive School Reform Demonstration Grants in *Alert II* schools. (The state had not awarded these demonstration grants at the time the Citizens' Commission was conducting its research and, therefore, it was not possible to ascertain how *Alert II* schools were using these resources.) For schools in the *Caution* category, the state offers professional development, but otherwise does not play a direct role in a school's improvement efforts.

Title I requires districts to identify schools in need of improvement and states to identify districts in need of improvement. Alabama considers its schools in need of improvement for Title I purposes to be the same schools identified as *Alert* or *Caution* under state standards. Both Title I and Alabama law require a school designated in need of improvement to prepare a school improvement plan, in consultation with parents, the school district, and state officials. The intent of Title I is that there should not be a separate plan for "federal purposes;" rather, one plan should meld federal and state resources and requirements. A school in need of improvement must provide professional development for its faculty in an amount over 2 years that is equivalent to at least 10% of its Title I funds received in one fiscal year. Funds from any source, including Alabama's 11 regional in-service centers, may be used to comply with this requirement. Title I further specifies that the school district is responsible for providing technical assistance to schools in need of improvement. The designation of school improvement status is lifted under Title I if a school has made adequate yearly progress toward meeting the advanced and proficient student performance standards for two of the three years following that designation.

II. Impact on Schools

The Citizens' Commission visited six schools that were either in *Alert I* or *Caution* status in the school years 1996-97 or 1997-98. None were schools designated *Alert II* in 1998. We wanted to understand two things: what did these schools do to improve their academic status and what assistance did the State Department of Education provide?

The Citizens' Commission's research and school visits revealed the following:

- **Floyd Elementary School**, a K-5 school in Gadsden, has the distinction of receiving, in 1996, the first Title I Distinguished School award in the state of Alabama. It was designated *Clear* in 1996 (average SAT 9 score: 41st percentile) and 1997 (average SAT 9 score: 45th percentile). In 1998, Floyd slipped back into the *Caution* category because the school's average SAT 9 score was at the 40th percentile. In 1999, it moved to *Clear*. Ninety-six percent of Floyd's 386 students in the 1998-99 school year were from low-income families, the highest concentration of poor children in Gadsden. The Title I application for Gadsden shows that all schools receive $240 for each low-income student enrolled; Floyd received a total of $90,396. The school has other federal and state

resources for professional development, technology, and curriculum and instructional materials. Floyd's specific strategy to regain its status as *Clear* was to identify students by stanine and skill for extra drill. A Title I aide was moved to the fourth grade that had the lowest scores. Students received attention from individual mentors.

- **Striplin Elementary School** is the second highest poverty school in Gadsden after Floyd, according to the fiscal year 1999 Title I application. It enrolls 396 students in grades K-5 of whom 93% are low income and 86% are minority. The school's average SAT 9 score in 1996 and 1997 was at the 36th percentile, placing it in the *Caution* category in both school years. In 1998, its average score increased by three percentile points to the 39th percentile, thus achieving *Clear* status. It also scored in *Clear* in 1999. Striplin's Title I allocation for the 1998-99 school year was $89,181. As with Floyd Elementary School, the district central office provides Striplin other resources from state and federal funds. The principal, Wynell Williams, attributes a change in the use of Title I funds to the state accountability system. Before schools were held accountable for results, almost all Title I funds were invested in staff positions. To improve achievement in reading, the Accelerated Reading Program (a software program published by Advantage Learning Systems, Inc.) was purchased and Title I money paid for substitutes so that all teachers in grades three to five could be trained on this software. Students in grades K-3 are schooled in test-taking techniques to prepare them for the SAT 9.

- **Tipton Middle School** in Dallas County actually improved its average SAT 9 score by one percentile from 1997 (34th percentile) to 1998 (35th percentile), but shifted from *Caution* to *Alert* because it did not make the required 2% gain in *Caution* improvement. At the same time, the number of students tested increased by 5% (or 20 students). As a school in *Alert* status, school and district officials prepared a School Improvement Plan that was submitted to the Alabama Department of Education. The plan specifies strategies for each grade in each subject. For example, test-taking skills classes are incorporated into the regular daily schedule for students who tested in stanines 1-4. Vocabulary lists are developed. Students practice reading and interpreting charts and tables. Learning kits provide additional practice in SAT 9 skills. Professional development consists of workshops on "improving SAT 9." A member of the Alabama Department of Education's *Alert* Team visited Tipton and responded to any requests the school might have for additional assistance.

- **Shiloh Elementary School** is a tiny school in Dallas County of 138 students in grades K-5. Its students are 100% poor and African American. Shiloh moved from *Alert* in 1997 to *Clear* in 1998 as a result of increasing its average SAT 9 scores from the 36th to the 43rd percentile. The number of students tested declined by only 4 students, from 62 in 1997 to 58 in 1998. How did it accomplish this improvement? A new principal with previous experience as a principal in two other schools was put in charge. She and the staff prepared the School Improvement Plan that identified the areas of students' greatest needs, primarily reading comprehension and math computation. Teachers had training to help them identify students' individual needs. A new reading program was implemented (called Drop Everything And Read, or DEAR), and students were provided with SAT 9 practice materials. The principal and staff involved parents by explaining the three levels used to judge schools, the goals to which the school aspired, and the motivational activities they could pursue with their children. Title I paid for, among other things, games and other activities parents could use at home.

- **Southside High School**, a 100% African American and 85% low-income school in Dallas County, received additional assistance from district and state officials, which the principal credits with enabling the school to move out of *Alert* in 1997 to

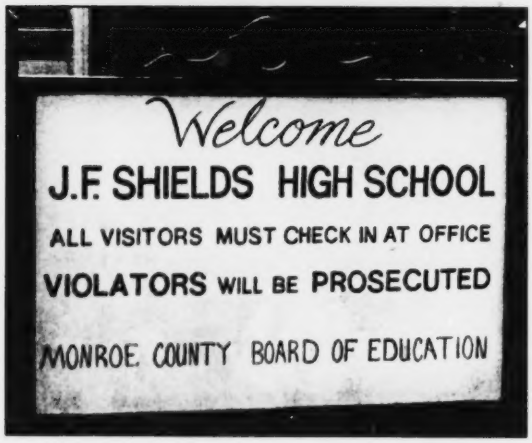
Caution in 1998. State Department of Education consultants provided professional development for all teachers on instructional strategies related to specific SAT 9 objectives and helped them to teach reading in all classes. The state also maintains a Hot Line for *Alert* schools. According to the school's School Improvement Plan for 1998, all teachers will complete multicolored SAT 9 profile sheets for each student in every class. These sheets are placed in each teacher's grade books so that lesson plans will reflect the necessary remediation. According to the Dallas County 1998 Academic Report, Southside met the required 5% reduction of students in the bottom three stanines in order to move to *Caution*, a reduction of 52 students in that range. The school's improvement could also be due to the fact that 38 fewer students were tested in 1998 than in 1997.

- **J.F. Shields High School** in the Northern part of Monroe County enrolls 318 students in grades 7-12. It is 100% African American and 87% poor. The school was classified as *Alert* in 1998 because it failed to make the required gain in the *Caution* category. In 1999, Shields moved back to *Caution*. The principal expressed frustration at the inadequate help the school was receiving from the district and state. According to the principal, teachers did not know how to teach reading in their curriculum subject areas, yet Shields had no money in its Title I budget for professional development. Two consultants from the state came to Shields to discuss its School Improvement Plan. The school was referred to the South Alabama Research and Inservice Center at the University of South Alabama in Mobile for SAT 9 preparation workshops for teachers. Inclusion of science items in the SAT 9 for the first time in 1998 may have contributed to students' poor performance. A high school science specialist from the Alabama Department of Education described in a May 16, 1997, letter to the principal the deficiencies in the school's science labs. The very simple exercises in the chemistry lab:

> *are not adequate to either address the Science Process and Applications Standards in the course of study or the Science Process Skills on the Stanford 9 Achievement Test. Student work centered around inquiry in the laboratory is essential if middle and high school students are to gain the skills and knowledge needed to be successful on the Stanford 9 and the future Graduation exam. . . .*[17]

None of the recommendations made by the Alabama Department of Education specialist for improving Shields's science labs had been made at the time of the Citizens' Commission's visit in

Students in the chemistry laboratory at J.F. Shields High School—a lab where neither the water faucets nor the Bunsen burners work.


Welcome
J.F. SHIELDS HIGH SCHOOL
ALL VISITORS MUST CHECK IN AT OFFICE
VIOLATORS WILL BE PROSECUTED
MONROE COUNTY BOARD OF EDUCATION

November 1998. The Alabama Science in Motion Program provides lab equipment for students and professional development for the faculty at no charge to the school or district. But the principal and assistant principal felt that because Monroe County High School, a racially integrated school that has 35% of its students on free and reduced-price lunch, has a science lab, Shields should have its own science facilities and not have to use the traveling science program.

The school's administrators also believed that providing students tangible rewards for improving their SAT 9 scores would motivate them to take the test seriously. They therefore proposed to the superintendent that $9,500 of state at-risk money be used to send the students to the Six Flags theme park in Atlanta, Georgia, after the 1999 SAT 9 results had been reviewed. The superintendent responded that the school's $22,750 at-risk money had been totally committed. The state money, in combination with Title I funds, had been used to fund additional teacher units.[18] Forty-three (43) classes, the superintendent wrote, have 15 or fewer students, far below the class size cap of 29 that the state mandates for high school grades.

III. Conclusion

Based on interviews and state-required school improvement plans, the Citizens' Commission found that school and district officials pursued quick-fix strategies that would make marginal gains in their average SAT 9 scores, rather than undertaking long-term improvements in restructuring the instructional program and investing in sustained professional development. These responses were perfectly rational given the state's timeline for improvements on the SAT 9 in one school year, rather than two. Because schools had only one year to show improvement, they could not afford to undertake the systemic and comprehensive changes in instruction, curriculum, or teacher training that might lead to much higher student achievement.

The Citizens' Commission's research also revealed the following:

- Alabama expects only half of a school's students to meet its low proficiency standard of the 40th percentile. Schools are not required to make progress for specific groups of children, whether they be special education, minority, or LEP students and students from poor families—those most at risk of failing to achieve the academic success necessary to pass the more rigorous high school graduation exam in the future.

- The system penalizes schools with high concentrations of poor and low-achieving students. High-poverty schools tend to experience greater pupil mobility than lower poverty schools. Yet, the scores of students who have attended less than a full school year are improperly counted in determining accountability status.

- At the same time, the system excuses higher performing schools, with many fewer poor and disadvantaged students, from making progress beyond the 40th percentile.

- Schools are forced to focus on the achievement of students in the middle of the pack in order to clear the bar (i.e., the 23rd or 40th percentiles). Students on either end of the spectrum—the very lowest and the highest—do not get the same attention from the accountability system.

- An increase or decrease in the number and type of students who take the SAT 9 from one year to the next can potentially affect a school's accountability status, something over which the school may or may not have any control.

- Finally, schools and school systems are "graded" on a national curve, the Bell Curve, not by a process of substantial and continuous progress toward achievement of standards by virtually all students.

Chapter IV

Comprehensive Schoolwide Reform

Until 1988, the law, then known as Chapter 1, required accountability only for fiscal management, not for student achievement. In a significant break with the past, the 1988 amendments to Chapter 1 introduced the concept of accountability for student outcomes for the first time in the history of the program by requiring improvement in student achievement.

But, under Chapter 1, many high-poverty schools lacked the capacity to provide an adequate education. Congress came to recognize that where virtually all students in a school are poor it made little sense to target federal funds to individual remediation rather than school improvement. Thirty minutes a day of extra tutoring by resource teachers and teachers' aides would not make up for the low-level instruction in the regular classroom for the rest of the school day. Teachers had few opportunities to improve their skills. If all students in high-poverty schools were to reach much higher standards, a sounder educational approach would be to focus on upgrading the entire educational program. The regular curriculum could be upgraded and teachers provided opportunities to improve their instructional practices.

"Schoolwide projects" had been authorized in the 1988 amendments to Chapter 1 in schools with a schoolwide poverty rate of 75% or more. Schoolwide projects provided administrative flexibility to serve more students, make better use of equipment and materials, and reduce pupil-teacher ratios. However, few of the Chapter 1 schoolwide projects had undertaken basic instructional reform to improve student achievement, according to the National Assessment of Chapter 1.[19]

Under the 1994 amendments, which expanded eligibility to operate "schoolwide" to all schools with 50% or more students from low-income families, the number of Title I schools in Alabama operating schoolwide projects expanded enormously. In the 1996-97 school year, 79% of all schools with schoolwide poverty rates at or above 50% were schoolwides. In the 1991-92 school year, by contrast, only 33% of schools eligible to operate schoolwide did so.

The redesign of the law in 1994 also included changes in requirements for schoolwide Title I schools. Title I funds could be combined with other federal funds, as well as state and local funds, to upgrade the entire educational program. The flexibility of the schoolwide model permits redesigning the total school program, reassigning personnel to new jobs consistent with the comprehensive plan, and using Title I together with all other funds to support the total program. Students could get extra help when they needed it without having to be identified as "program eligible." Schools would be held accountable for meeting the same adequate yearly progress requirements established for all schools. Finally, Title I funds could not be reduced as student achievement improved.

The essential elements of comprehensive, schoolwide reform are spelled out in the Title I law. Schoolwide projects must:

- have a comprehensive needs assessment that is based on information about the performance of students in relation to the state standards;
- use an accelerated curriculum geared to improving student achievement and extend the amount and quality of learning time;
- address the needs of all children, while ensuring that students who experience difficulty meeting

state standards are provided effective, timely assistance;

- provide teachers and school staff with training in instructional techniques that are geared to the accelerated curriculum and higher standards;
- provide the principal and staff with decision-making responsibility for how Title I and all other resources are best used to meet the needs of their students, in consultation with the central office;
- employ strategies to increase parent involvement, including family literacy services; and
- employ highly qualified personnel.

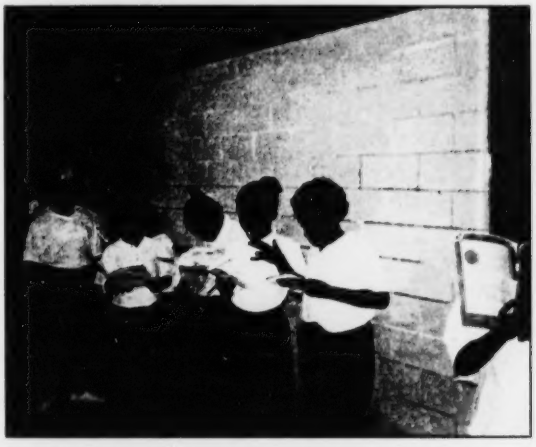
These elements are to be included in a written plan that is developed by teachers, parents, and, in the case of high schools, students. If the state or district already requires a written school improvement plan, that plan should incorporate Title I requirements, so that there is *one* comprehensive plan that will be used to make substantial improvements in student achievement. It must describe how individual assessment results will be provided to parents.

The plan must also provide for the collection of achievement data disaggregated by gender, major racial and ethnic groups, limited English proficient status, migrant status, disability status, and low-income status. This disaggregation requirement is not to be confused with the requirement that the State Department of Education provide disaggregated results on the final assessment. Its purpose is to enable school officials and parents to understand whether the schoolwide program is addressing identified areas of need and recognizing which students are and are not achieving standards for their grade level. Notably, no district coordinator or principal interviewed by the Citizens' Commission was aware of this disaggregation requirement.

The Citizens' Commission asked the Title I office at the Alabama Department of Education and the A+ Educational Foundation to identify the highest poverty, highest achieving schools in the state that were implementing the 1994 reforms with some success. This chapter discusses two of the schoolwide programs that best exemplify Title I's meaning of comprehensive schoolwide reform.

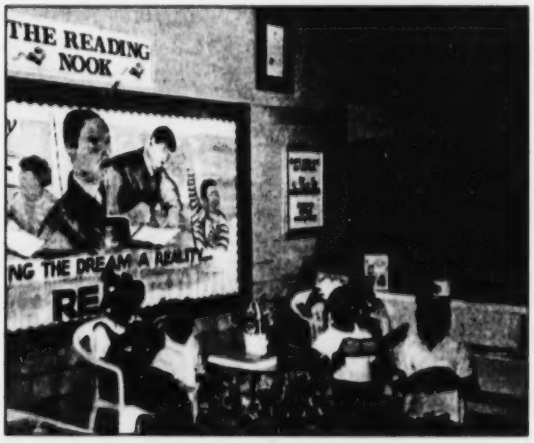
I. Tuggle Elementary School

Tuggle's staff has figured out how to convert wasted time to reading time. Each student has a zip-lock bag in which to carry his or her books. Children walk through the hall holding books. After eating lunch, they open their books and read while waiting for their class to return to its room. A teacher takes her whole class to the restroom, and while they are lined up against the wall waiting for their classmates to use the facilities, students take their books out of their bags and read. Across the hall from the school office is the Principal's Reading Nook where students sit and read. Down the hall is a wall of books, each in its own pocket inviting students to borrow one. At the front door, dental equipment that will be used for dental checkups for each child for a $2 fee is being delivered.



Tuggle's students read constantly—even while standing in line.

The Carrie A. Tuggle Elementary School in Birmingham places an intense focus on literacy and reading. As stated in its school improvement plan, the school's goal is to establish an active, literature-rich environment that encourages students to read, to increase overall student achievement, and to develop life-long readers. All 459 students are African American and almost all (90%) are eligible for free and reduced-price meals. They come to school with little prior knowledge, but the whole school is organized around a comprehensive effort to increase their knowledge and to stimulate a love of reading.



The Reading Nook at Tuggle Elementary School.

Expectations for improvement are high. The school's goal is to lift SAT 9 scores to the 60th percentile from the 45th percentile in the spring of 1998. Improving reading skills is the key to reaching that goal. Three strategies are pursued to achieve it: (1) high-quality professional development; (2) creative use of teachers' time and talents; and (3) external resources.

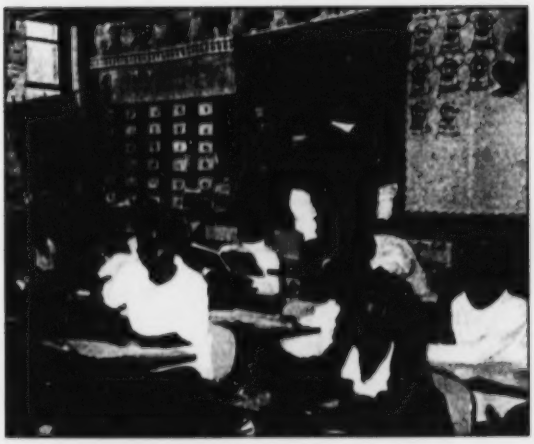
Tuggle pays a lot of attention to providing opportunities for teachers to enhance their instructional skills. Tuggle was 1 of 16 schools selected to participate in the first year of the Alabama Reading Initiative. During the summer of 1998, the teaching staff and the principal, Martha Barber, spent 10 days living in college dormitories while learning to be better reading teachers. Since then, further training has continued every month throughout the year on vocabulary enrichment, writing, and comprehension. The Alabama Department of Education and the University of Alabama at Birmingham have provided consultants to work with teachers. The district paid for the training of three teachers in Reading Recovery (a research-based model which provides one-on-one instruction for kindergarten and first grade students) and provides staff development in "Effective Schools" principles. Teachers are paid for their time in professional development activities after school.

The school's schedule is planned to expand learning opportunities for teachers. Every Friday morning from 8:00 to 9:30 is set aside for grade-level planning meetings, while students are doing silent reading in the gym. Other time is provided for teachers to write grant proposals for additional support, review the Alabama Courses of Study and SAT 9 checklists, or read professional literature. The physical education teacher, music teacher, counselor, librarian, and media specialist also play their part in implementing reading activities for students.

The staff and principal recruit resources from the community, parents, and businesses to contribute to the overall success of the program. Literacy First presented the school with a check for $5,000 to purchase books. The school organizes Book Drives, a Fall Book Fair, Celebrity Read-Ins, and volunteer tutors. Even the Girl Scout Troop is devoted to reading.

Title I is woven into the total program. No room or teacher is labeled as "Title I." The majority of Tuggle's $148,370 Title I allocation is spent on three Reading Recovery teachers. In the 1997-98 school year, 22 out of 24 students were successfully "discontinued" from the program. These teachers share Reading Recovery strategies with other teachers and spend half a day teaching in regular classes. Teacher turnover is low. But when a general fund position becomes vacant, a Title I-paid teacher is transferred onto that payroll. This frees up Title I funds to pay for computers or other needs.

Martha Barber became Tuggle's principal in the 1995-96 school year when it was classified in *Caution*.



Tuggle Elementary first grade class.

Tuggle third graders reading after lunch.

She made no immediate changes at first. She began with a strategic plan that had three themes: (1) participatory decision-making; (2) more and different professional development; and (3) analysis of instruction. To implement this plan, teachers identify issues and decide how to address them. These issues can range from the student discipline policy to plans for rainy-day activities. In order to gauge how the instruction for her students compares with that provided for middle-class students, Mrs. Barber visits schools in the Birmingham suburbs.

As with every school visited in Alabama, Tuggle is focused on preparing for the SAT 9, although it is not totally consumed by it. Total scores have been slowly improving, rising from the 32nd, the 36th, the 42nd, the 45th, and the 46th percentiles over 5 years, placing the school in the *Clear* category for the past 3 years. Teachers do test skill preparation and benchmark testing. Students construct their own multiple-choice questions and set up various competitions with other classes. Two awards are given to students in each class, one for the highest SAT 9 score and one for the greatest score gain. The teacher whose class posts the highest SAT 9 score wins a $25 award.

Tuggle Elementary School, which is named after an early 20th Century African American Alabama educator, is receiving recognition for its accomplishments, including being honored as 1 of 16 Literacy Demonstration sites for the Alabama Reading Initiative.

II. Oscar Adams Elementary School

A first grade class is going through the paces of SRA/McGraw-Hill's Direct Instruction program, a research-based program in reading, under the guidance of Hector Baeza. When a student's attention flags, Mr. Baeza speaks to her in Spanish to make sure she is comprehending the English language instruction. At another time, several classes are sitting in a large open area listening intently to a teacher describe what he has learned about a rain forest he has just visited. When the session is over, one student pushes another in a wheelchair to her next class.

Oscar Adams Elementary School in Gadsden exemplifies a comprehensive schoolwide program that marshals resources on behalf of a diverse student body. Adams's enrollment of 428 students in grades K-5 is 67% African American, 18% Hispanic, 14% white, 1% Asian, and 92% low-income. Adams is a model school in Gadsden for full inclusion of the 14% of its students who are disabled. Special education students include those who are multiple handicapped, autistic, learning disabled, educable mentally retarded, and those who have behavior disorders. It is also experiencing rapid growth of His-

panic and migrant students, some of whom are limited English proficient.

Nancy Blackwood, Adams's principal, is an instructional leader, as well as an administrator. She is willing to experiment in order to accommodate the diverse needs of her students. Because of her flexibility, her school is the one the central office chooses to pilot new programs. To strengthen student performance in reading, she researched various supplementary reading curricula and chose SRA/McGraw- Hill Direct Instruction. All certified personnel at Adams are involved in delivering SRA/McGraw-Hill Direct Instruction to all students for one hour each morning. Each grade level is broken into small groups of 10 to 15 students in which phonics, decoding skills, and comprehension are emphasized. Throughout the day, other supplemental instructional programs focus on reading and auditory comprehension and on language arts skills, including parts of speech and sentence structure.

Limited English proficient (LEP) students participate in regular classroom instruction along with their classmates. A certified teacher helps them as needed. During noninstructional periods, LEP students work on their language skills with an aide in the computer lab.

Of the school's $93,555 Title I budget, $24,000 goes toward a wide array of supplementary instructional materials. Adams has purchased books, workbooks, software, maps, and videos to enrich instruction in reading, language arts, mathematics, science, and social studies. One central office person paid through Title I funding prepares analyses of SAT 9 scores so that teachers know the specific weaknesses and strengths of each skill tested for each child.

Special programs have been created for students with special needs. These programs are supported by a combination of federal, state, and local funds. The Title I migrant education program funds a summer program for Adams's students whose parents work in agricultural processing industries. To help classroom teachers relate to students with limited English skills, Ms. Blackwood and two teachers, Hector Baeza and Diana Hilton, prepared the *ESL Survival Handbook for Elementary Teachers At Adams*. It contains some instructional "do's and don'ts," a few common classroom expressions in Spanish, and Spanish translations of field trip permission forms and letters to parents.

The McKinney Homeless Education Program for Children and Youth supports a coordinator who, along with teachers and the principal, identifies homeless children. The coordinator also helps parents evaluate their situation, refers them to community programs, and if they have preschool children, tries to enroll them in Even Start, a federally sponsored preschool and adult education program.

Students who have been retained twice by the end of the fifth grade are recommended for the Alternative Promotion Opportunities Program, or APOP, an accelerated program designed to enable students to catch up with their peers so that they may enter the regular high school program in the ninth grade. Funds for the APOP program come from Title I, Title VI (federal school improvement funds), and the district's own revenue. The student and parent commit to a year-round program, plus two summer schools extending from the sixth to ninth grade, and sign an APOP contract that requires them to comply with the program's guidelines. These guidelines require that students demonstrate a willingness to learn by, among other things, attending class regularly and attaining an overall average of 60% or better while in the program. Students must demonstrate responsibility for their own learning. In addition to attending regular junior high classes, students receive daily assistance on homework and required class assignments. The APOP teacher monitors their progress, visits their home, and gets them involved in service learning projects in the school or the community. At the end of the ninth grade, the program staff and parent decide whether the student will enter the regular high school program or attend a vocational school.

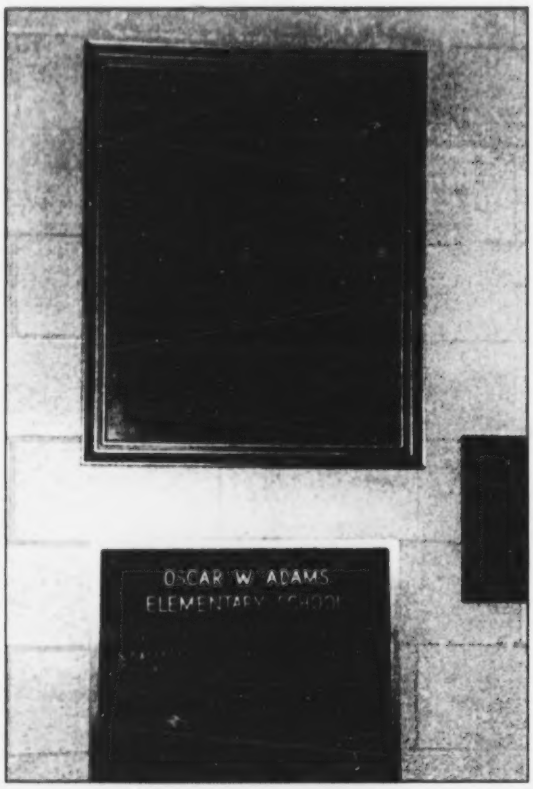
District administrators work with school principals to piece together funding that pays for material and personnel to address each school's needs. Title I is not a stand-alone, separate program. Adams shares a resource teacher with another school, whose salary is paid by each school's Title I budget. Curriculum materials to implement the SRA/McGraw-Hill Direct Instruction program in Adams were purchased in part

from Adams's own Title I funds and in part by central office funds. Adams's science program was inaugurated with a federal grant from the Magnet School Assistance Program. A state grant provided training for teachers on full inclusion of disabled children.

Adams's teachers are engaged in a number of professional development opportunities in school and away from school. During the summer, a committee meets and schedules workshops and programs that teachers have requested in their responses to a professional development questionnaire. These opportunities include Monday faculty meetings and regularly scheduled in-service days. Title I funds pay for substitutes so that teachers can meet during school hours in grade-level or cross-grade-level groups. Title I also pays stipends for teachers for professional development programs after school and for travel expenses to other schools.

In addition to what Adams does on its own, teachers there participate in the professional development provided for all schools that is supported by federal funds other than Title I. Adams's teachers receive training in newly purchased software, in math problem solving, in geometry, and in earth and space science topics.

Adams Elementary School, which is named after Oscar W. Adams, the first African American on the Alabama Supreme Court and a resident of Gadsden, won the national Title I Distinguished School award in the 1997-98 school year. Adams has been classified as *Clear* for the past three years, with total SAT 9 scores at the 43rd percentile, the 50th percentile, and the 45th percentile. In 1999, the school's SAT 9 composite score slipped to the 41st percentile, thus changing its academic status to *Caution*.



Distinguished jurist Oscar W. Adams, for whom Adams Elementary School is named.

III. Tuggle and Adams—Meeting the Needs of Their Students

School-based decision-making in schoolwide programs is strongly encouraged by Title I. Decisions at the school level help to discourage the district-directed "one-size-fits-all" approach that was prevalent under Chapter 1. In many respects, Tuggle and Adams exemplify the approach encouraged under the new Title I.

How much authority schools have to make their own decisions can be influenced by how much in Title I resources they receive. A school that is allocated $500 per poor student controls more resources than one that gets $250 per poor student. A formula in federal law determines how much money goes to individual school systems. School districts reserve some of the funds for districtwide use, such as training on state standards, parent involvement, services to eligible private schools, preschool programs, and district administration. Funds not reserved at the

district level are allocated to schools in descending order of their concentrations of students from low-income families. Schools that are 75% or more low-income must receive funds, regardless of their grade structure.

There is no federal rule governing how much a district may reserve for these centralized purposes. Districts adopt different strategies for how much money to allocate to schools and therefore how much authority schools have over Title I expenditures. The contrast between Birmingham and Gadsden illustrates this difference. Birmingham takes 15.5% of its total allocation of $10,380,155 for central office purposes, leaving 84.5% of Title I dollars for allocation to schools. Gadsden reserves 48% of its $1,220,745 Title I allocation for districtwide use, while 52% of Title I dollars goes to schools. As a consequence of these district-level decisions, two schools—Tuggle and Adams—that are roughly equivalent in numbers and percentages of poor students receive different amounts. Tuggle receives $370 per low-income student, while Adams gets $243.

Both Tuggle and Adams determine how to use their Title I funds, in consultation with district officials, to best meet the needs of their children. But they differ with respect to the degree of decision-making authority and the level of consultation between the central office and school officials. Tuggle had the ability to decide on its own to transfer a Title I teacher to a general fund position so that it would have money for computers. But Adams did not have $15,000 in its Title I budget to provide the curriculum materials that were needed for the new SRA/McGraw-Hill Direct Instruction program. Nancy Blackwood acquired the $15,000 by combining the $5,000 that came with the Title I Distinguished School award with $5,000 from the district. The remainder was "scraped together from here and there," according to Ms. Blackwood.

As it turns out, Gadsden school officials, particularly Charlotte Campbell, the director of instructional services and Title I coordinator, strongly approve of the SRA/McGraw-Hill Direct Instruction Program and are encouraging other Title I schools in the district to adopt it. But if district administrators had not been so supportive, Adams's principal and faculty would have lacked the resources to provide their students with a needed supplementary reading curriculum.

Tuggle Elementary—A Distinguished Title I School.

Chapter V

Funding Needs in the Poorest Districts

Exemplary Title I schools like Tuggle and Adams are at odds with the reality in low-wealth districts. These districts are among the poorest in the state. They have very little local tax base, concentrations of poor children in excess of 75%, and low per-pupil expenditures relative to the averages of other Southeastern states.

A combination of local resources, politics, district tradition, and leadership style determines how resources in these districts are used. In general, district offices determine how Title I funds are spent and how the program will be designed, although these decisions may be the product of negotiations between district officials and principals about how to cover the school's needs. Schools have only marginal authority to decide on how to spend their funds. From year to year, principals may not be able to count on the same mix of staff or program support.

In many districts, Title I continues to support the same program that was in place before the 1994 reforms. Selma City, for example, retained 53% of its $1,892,369 fiscal year 1998 Title I funds for district use, most of which supported a preschool program for 180 students that was begun several years ago with Chapter 1 funds. Districts also use Title I funds to pay for leases on copier machines and on annual maintenance agreements for Jostens System Learning labs that had originally been purchased with Chapter 1 funds. With the exception of Selma City, districts allocated most of their total Title I funding to schools, retaining usually about 15% for central office use.

This chapter discusses the Citizens' Commission's findings in five rural, low-wealth districts in the Black Belt: Dallas County, Linden City in Marengo County, Monroe County, Selma City, and Wilcox County. Title I is used in these districts to support schools' most basic needs, sometimes supplanting what state and local funds should be expected to provide. Most money is heavily committed to salaries of tenured personnel—resource teachers, regular classroom teachers, aides, and occasionally administrators. Title I resources are used in much the same way as state foundation "units" are, with Title I filling one-half or all of a position not funded by state or local funds. Consequently schools have little or no money in their Title I budgets for such key needs as professional development, extended learning time for students, and extra curriculum materials and instructional supplies.

I. Supplanting the Regular Program

A long-standing equity provision in Title I prohibits states and districts from using the federal money to supplant state and local resources. The law states that Title I funds may only be used to "supplement the amount of funds that would, in the absence [of Title I] be made available from non-Federal sources for the education of [Title I students], and not to supplant such funds."[20]

When Congress lowered the poverty threshold for eligibility to operate schoolwide programs from a 75% to 50% school poverty rate, it added another supplanting prohibition, this time targeted to individual schools:

A school participating in a schoolwide program shall use funds available to carry out [the pro-

gram] only to supplement the amount of funds that would, in the absence of [Title I funds], be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.[21]

Thus, Title I may pay only for supplemental services in addition to what state and local funds provide for the regular program that is mandated by state law. Simply put, Title I funds cannot pay the cost of a state requirement. If a state mandates a limit on class size, as Alabama does, Title I funds can only be used to reduce class size below the state limit.

Under the law, the Alabama Department of Education should ensure that local educational agencies (LEAs) observe the prohibition on supplanting federal funds. However, the U.S. Department of Education's Office of Inspector General found that the Alabama Department of Education did not have proper procedures and controls in place to enforce this requirement. For fiscal year 1997, the audit found:

Title I Section 1120A(b) requires federal funds to be used to supplement, not supplant state and local funds. The [Alabama] Department of Education requires LEAs to provide one-time assurances that federal funds will be used to supplement, not supplant, state and local funds. In a sample of ten LEAs' statements of assurances, one did not contain an assurance to supplement, not supplant. Program personnel and accountants review LEA's budgets in consolidated applications for funds to detect supplanting, but ***applications for funds alone do not appear to provide sufficient evidence that supplanting did not occur****. This is a reportable condition in internal controls and noncompliance with federal law and regulations. The [Alabama] Department of Education did not monitor LEAs for compliance during the 1996-97 fiscal year, but is currently developing consolidated monitoring instruments. This is a repeat finding.*[22]

Even more disturbingly, there is evidence that Alabama may be actively encouraging supplanting. In January 1998, the Alabama Board of Education amended its September 1997 resolution on class size limits so as to authorize the State Superintendent to review waiver requests from local school districts on a case-by-case basis, as long the request included a plan to implement the pupil-teacher ratios in schools where class size exceeded the state-mandated limits. The state, however, did not supply funding to meet this mandate for lower class sizes.

The next month, Superintendent Ed Richardson sent a memorandum dated February 18, 1998, to selected county and city superintendents regarding their waiver requests. The memorandum stated in part, "[P]lease be reminded that in some cases Title I teachers may be counted." Because the superintendent's memorandum appears to sanction supplanting, the Citizens' Commission twice asked state officials for clarification of the phrase "in some cases," but never received a response.

The Citizens' Commission's research, however, revealed how heavily schools in low-wealth districts relied on federal assistance to support basic needs. The following three examples illustrate how inadequate funding from state and local revenue forces local officials to use Title I for regular classroom teachers, construction, and renovation of school buildings.

A. Dallas County

Dallas County, for example, uses a portion of its $1.8 million in Title I funds to pay for 31.53 full-time equivalent teachers in its 9 Title I schools. A few are computer lab teachers, but in three schools the Citizens' Commission visited, Title I-paid teachers are teaching regular classes in the state curriculum.

At Southside High School in Dallas County, there are 6 Title I-paid teachers in addition to the 32.68 teacher units allotted under the state Foundation Program. All six Title I teachers teach subjects mandated in the state curriculum, either full- or part-time. Title I pays for two of six science teachers; one of five social studies teachers; one teacher who teaches English in grades nine, ten, and eleven, in addition to one period

per day of remediation for students who scored lowest on the SAT 9; one teacher who teaches two basic English classes and the required tenth grade English; and one teacher who teaches math, including Algebra I and "technical Algebra."

Tipton Middle School enrolled 515 students in the 1998-99 school year. It received 24.17 teacher units under the state program, but Tipton paid 4 teachers out of its Title I allocation to teach state-mandated subjects. More specifically, Title I paid for one of two sixth grade math teachers; one of two sixth grade language arts teachers; one of two seventh grade language arts teachers; and one of two eighth grade language teachers.

Principals and staff of schoolwide programs in Dallas County that the Citizens' Commission visited have little authority over how to spend their Title I funds. This was confirmed in an interview with a district budget official with responsibility for federal funds. Using Tipton Middle School as an example, she explained how she assigned teacher units to the school's Title I allocation. At Tipton, Title I funds paid for teachers of reading and math, which she referred to as "Title I subjects." The remainder of Tipton's $231,802 Title I allocation for the 1998-99 school year was budgeted for professional development and instructional supplies ($11,219), utilities ($2,741), parent involvement ($775), maintenance of the computer lab ($2,240), repair of old computers ($2,000), and hiring substitutes ($1,000). Notably, Tipton's principal told the Citizens' Commission that she and the teachers could make recommendations to the Title I coordinator (which are generally accepted) for how they would like to use some of their funds.

B. Linden City

Linden City's total enrollment of 717 students in grades K-12 makes it the smallest of three school systems in Marengo County. The student population is 92% African American and 84% low-income. Resident white students have attended the private Marengo Academy ever since the desegregation of the public schools under court order in the early 1970s.

According to the 1996-97 Annual Accountability Report submitted to the Alabama Department of Education, Linden City actually receives more in federal revenue than it does in local funds—a very unusual situation, since federal dollars account nationally for only about 7% of total educational expenditures. In that year, federal revenue (including food services) was $753,944, or 20.7% of the total district budget, while local revenue amounted to $400,410, or 11%. Linden City's Title I allocation in the 1997-98 school year was $238,626 of which $181,396, or 76%, was allocated to its three schools operating schoolwide programs. Linden Elementary School has 344 students in grades K-5. It received $95,561, of which $82,706 (or 86.5%) paid the salaries and fringe benefits of two full-time classroom teachers and one aide who is assigned to the computer lab. There are three second grade teachers, one of whom is paid by Title I. The third grade also has three teachers, one of whom is paid by Title I. This use of Title I funds enables the school to meet the class size mandate of 1 teacher for 18 students in grades one to three. In addition, Title I pays $5,120 for instructional materials and supplies, $1,000 for professional development, and $1,000 for janitorial supplies.

Student journalists at Linden City High School: Coryonda Ellis, Quina Smith, ReShaunda Walker, and Kirstin Davis.

Despite its meager resources, Linden City's ele-

mentary, junior, and senior high schools were among the 85 highest scoring, high-poverty schools in the state in the 1996-97 school year. There is an after-school program funded with state at-risk money two days a week for elementary and junior high students, and a Saturday program for high school students. Linden High School graduated 62 students in the spring of 1997, and of that number, 39 went on to college with scholarship money totaling $283,000, and 15 went into the military. Twenty-five students took Advanced Placement classes and passed the AP test with a score of 3 or higher. Twenty-six graduating seniors passed Algebra I, 23 passed Algebra II, and 25 took advanced mathematics.

Superintendent Larry Huckabee credits the district's small size, the commitment of the staff, and strong community support for its success. However, district leadership is responsible for obtaining extra financial resources that make Linden City unusual for a school system in the heart of Alabama's Black Belt. For example, unlike most poor districts, Linden City has incorporated modern technology into the instructional program. Each school has a computer lab with Internet access on all computers. Every classroom teacher has a computer with Internet access. The computers were purchased with federal Goals 2000 funds; Internet fees are paid by the Alabama Supercomputer Authority.

C. Wilcox County

Wilcox County is a rural school system in Alabama's Black Belt. Of the 2,739 students enrolled in public schools, all are African American and 92% are low-income. The average per capita income in Wilcox County in 1993 was $10,759, making it the single poorest county in the state. Like Linden City, the Wilcox County public schools rely heavily on federal revenue. According to the 1996-97 Annual Accountability Report, $3,417,226 comes from federal sources (including food services), or 17% of total expenditures. Local revenue amounting to $2,094,425 represents 10.4% of total expenditures. Expressed as expenditures per student, the contrast between local and federal dollars is stark: $1,248 from federal and $765 from local. The school system received $1.4 million in Title I funds in fiscal year 1998.

In 1996, the State Department of Education assumed control of the school system pursuant to the financial accountability requirements of the Accountability Act of 1995. Since 1996, the State Superintendent has appointed interim superintendents and a chief financial officer to operate the schools in Wilcox County.

In 1997, the Wilcox County Board of Education secured a bond for $7.2 million for building improvements. According to the FY1998 Title I application, the next year, 1998, state officials used local bond money, $732,753 of Title I funds, and money from the Public School and College Authority, to construct a new elementary school and make substantial renovations to three existing school buildings.

Prior to 1994, the law, then known as Chapter 1, explicitly allowed funds to be used for construction (including renovation) or acquisition of real property. Such expenditures were justified if they were necessary for the success of the particular Chapter 1 project. The Selma City school system, for example, had used Chapter 1 funds to build additions to schools for the new early childhood program that it started with Chapter 1, and continues to be funded by Title I today. One building at Monroeville Elementary School in Monroe County was constructed in 1977 with Title I funds. But this provision was removed when the law was reauthorized in 1994. According to guidance issued by the U.S. Department of Education, the use of Title I funds for construction is explicitly prohibited.

One of the district's four construction/renovation projects involves renovations at Pine Hill Elementary School. According to the renovation authorization (see Figure 11), Title I contributed to the renovation of the school's food service complex and an addition to an existing building for food service use, as well as additional classrooms. Notably, these renovations rectified the very deficiencies in the food service area and kindergarten classrooms that were cited in the disparity study conducted for the Circuit Court in the 1993 school funding and adequacy litigation.[25] This questionable use of federal funds occurred while the

In the 1998-99 school year, Monroeville Elementary School's academic status changed from Clear *to* Caution, *but it was recognized as a Distinguished Title I School by the U.S. Department of Education.*

Title I funds were used in 1977 to construct a building at Monroeville Elementary that is still in use today.

Wilcox County school system was being operated under the direct authority of the state. The only apparent rationale from the project descriptions for this and the other three projects is a notation that they are "schoolwide projects."

Wilcox County is heavily dependent on federal funds. It is also struggling academically. In the first year of Alabama's accountability system, Wilcox was classified in the *Caution* category. In 1996-97 it gained the status of *Clear*, but slipped back into *Caution* in the 1997-98 school year. In the 1998-99 school year, it moved back to *Clear*. The Citizens' Commission was unable to make any assessment of the Title I program in Wilcox County because the superintendent of schools denied our request to visit schools and interview staff.

II. Schoolwide Programs

When asked by the Citizens' Commission to identify any provision in the 1994 amendments that had led to significant changes in their Title I program, virtually every superintendent, Title I coordinator, and principal cited schoolwide programs. Yet, the schools in their districts that were operating schoolwide in the 1998-99 school year had actually adopted that option in prior years under Chapter 1. Whenever the schoolwide approach is first implemented, it is enthusiastically endorsed by educators because all students can benefit from Title I services. As one coordinator said: "Our teachers just hated it when they could help only certain kids." Selecting only some students was "like throwing a red flag" at a child, remarked another coordinator who had witnessed its stigmatizing effect. As popular as the schoolwide model is, however, it is not being used to enhance the regular instructional program or to provide sustained, high-quality professional development.

The 1994 amendments to Title I permitted schools operating schoolwide projects under the old Chapter I to continue them, as long as they adopted a new plan or amended their existing plan to address the essential components of comprehensive schoolwide reform contained in the amendments. Because these components envisioned fundamental reforms to the entire program, a school that wanted to become or continue to be a schoolwide program had to obtain training and technical assistance from their state's School Support Team, from federal technical assistance centers, or from postsecondary institutions. But this was a false expectation in Alabama, where comprehensive schoolwide reform was an entirely new concept. Few schools or other sources of techni-

BEST COPY AVAILABLE

Figure 11. Renovation Authorization

Name of School Camden School of Arts and Technology

Type of School Middle
(K-Elementary, Elementary, Middle, Junior High, High)

Outline proposed facilities. Renovate interior and/exterior of all buildings new doors and windows, electrical/mechanical & lights. Add 720 sq.ft to existing building for food service complex modify for a principal suite, guidance suite & additional classrooms.

State need and intended use of proposed facilities. Building in dire need of renovation, the present food service complex is deplorable. The extra rooms are needed to house all of the systems 7th & 8th grade students

New facilities _____ Addition to existing facilities Renovation & an addition of 720 sq.ft

Type of Funding PSCA, Local, Title I (School wide project)
(Note: Be sure construction cost for this project has been included in your budget filed with the State Department of Education.)

Superintendent Wilcox County/City System 1-9-98 Date

Name of School Pine Hill Elementary School

Type of School Elementary K-6
(K-Elementary, Elementary, Middle, Junior High, High)

Outline proposed facilities. Modify & Renovate existing space for a new food service complex, guidance suite, additional classrooms and media center. Construct covered walkways connecting building. A 512sq.Ft edition to an existing building for food service use-Demolish & Remove one building.

State need and intended use of proposed facilities. Eliminate the need for portable housing & provide clean attractive permanent educational facilities for K-6 students

New facilities _____ Addition to existing facilities Renovation/Modification & 512 additional sq.ft

Type of Funding Local Title I (School wide project)
(Note: Be sure construction cost for this project has been included in your budget filed with the State Department of Education.)

Wilcox 1-9-98

BEST COPY AVAILABLE

Name of School To be named

Type of School K-6 Elementary
(K-Elementary, Elementary, Middle, Junior High, High)

Outline proposed facilities. 18 classrooms, media center, Adm. & Guidance Suite, food service complex (preparation & dining), nurses area, teacher's lounge and/toilet, toilets (2 sets), reading labs (2).

State need and intended use of proposed facilities. To house & provide educational services to approximately 175 students, grades K-6. The building presently being used by this community is unfit for habitation.

New facilities yes Addition to existing facilities

Type of Funding PSCA, Local, Title I (School wide project)
(Note: Be sure construction cost for this project has been included in your budget filed with the State Department of Education.)

Superintendent | Wilcox County/City System | 1-9-98 Date

Name of School J.E. Hobbs Elementary School

Type of School Elementary-K-6
(K-Elementary, Elementary, Middle, Junior High, High)

Outline proposed facilities. Modification of 2 existing buildings creating 6 additional classrooms 2 computer rooms, Principal's suite and boys & girls restroom add new mechanical/electrical systems, construct covered walkway connecting buildings.

State need and intended use of proposed facilities. Better utilization of facilities therefore eliminating the need for portable housing and creating a safer and more pleasant environment for educating boys & girls

New facilities Addition to existing facilities Modification construct walkways

Type of Funding Local Title I (School wide project)
(Note: Be sure construction cost for this project has been included in your budget filed with the State Department of Education.)

Superintendent | Wilcox County/City System | 1/9/98 Date

BEST COPY AVAILABLE

cal assistance had any experience in implementing the concept. In reality, it was left to the district Title I coordinator to explain the requirements for planning and operating schoolwide.

A. Schoolwide Plans

The schoolwide plans reviewed by the Citizens' Commission, which might be expected to shed light on what a school understands about the notion of schoolwide reform and how it is integrating its Title I resources into a comprehensive plan, are not very helpful. For the most part, they have not been revised since they were first written in the 1995-96 or 1996-97 school year. One plan from Keith High School in Dallas County is actually the Chapter 1 plan from the 1992-93 school year with a cover page indicating that it is the plan for the years 1995-96 through 1999-2000. Some plans have no budgets, and those that do have an outdated budget for Title I funds only. State allocations for at-risk students, professional development, materials and supplies, and library enhancements are not included. Other federal funds for professional development, school improvement, special education, and safe and drug-free schools are typically retained by the district to support systemwide workshops, to fund summer school or preschool programs, or to purchase computers, printers, and other equipment for the central office and schools. In some cases, the comprehensive schoolwide plan is not the "real" plan. If a school is in *Alert* status, it develops a separate school improvement plan required by the state.

Furthermore, many plans appear to have been written, in some part, by central office administrators to demonstrate "compliance" with Title I. Language from the law is inserted as "boilerplate," followed by descriptions of present practice or simply reiteration of the law. Consequently, plans from all Title I schools in a district can have a striking similarity. For example, the "Strategies For Schoolwide Reform" and the School/Parent Compacts in the plans of five elementary schools in Selma are identical. Parent involvement policies and school/parent compacts are virtually identical in all of the plans of Monroe County's Title I schools. In short, a review of these plans suggests a failure by individual schools to engage in the kind of planning envisioned by the law.

In addition, the strategies for schoolwide reform in six Selma plans list activities that reflect a much different understanding of comprehensive reform than the architects of the new law intended. For example, under the heading "Provide an enriched and accelerated curriculum," these plans simply offer a list of activities. A description of an "enriched and accelerated curriculum" would ideally contain a few well-chosen examples of the instructional strategies and materials that teachers plan to use, along with an explanation of other learning opportunities such as tutoring that will reinforce instruction. These plans, however, fall short of the mark.

The schoolwide plans of J.F. Shields and Frisco City High Schools in Monroe County are also illustrative. Both plans state, under "Schoolwide Reform Strategies," that:

> *Academic tracking will be provided for each student [in the ninth grade] at the beginning of the year to assure that students are in the classes that best enhance their performance and meet state requirements for graduation.*

Shields's plan goes on to explain that students who fall "below the 50% (sic) on the SAT will be served at least one half semester by a Resource Teacher to assist the student in the area where they scored the lowest." Students in the accelerated or advanced program "will be introduced to the more advanced challenges, field trips, and more opportunities to hear good speakers."

What proved to be much more illuminating to the Citizens' Commission than schoolwide plans were the districts' Title I applications, along with the Citizens' Commission's visits to schools and interviews of school and district educators.

B. Personnel

In the districts and schools examined by the Citizens' Commission, salaries and benefits for classroom and lab personnel consume almost the entire Title I

budget. Title I funds are often committed to the same services that Chapter 1 supported for years. As the principal of Southside Primary School in Dallas County told us, "I would love to have a new reading curriculum. The one we have is really outdated." Southside Primary has operated schoolwide for the past nine years. No changes have been made since Title I was revised in 1994. Eighty-four percent (84%) of this school's $204,715 Title I dollars is committed to salaries and benefits for four teachers. One teacher, who teaches a second grade class, is responsible for the computer lab. Two other Title I-paid teachers implement "Writing-To-Read," a computer-based language arts programs for kindergarten and first grade students. The fourth Title I-paid teacher is one of the nine first-grade teachers in this K-2 primary school. Title I also pays $15,345 annually for maintaining the equipment and software in the computer lab.

Tiny Shiloh Elementary School in Dallas County with 138 students in kindergarten through fifth grade was allotted $60,051 in Title I funds. Ninety-seven percent (97%) of its Title I allocation in the 1997-98 school year paid the salary and benefits of the computer lab teacher and the software and maintenance of the computer lab that is located in a building built by Chapter 1 funds. This computer lab serves all children, which is apparently Shiloh's rationale for being a schoolwide program.

Dollars are stretched by splitting the funding of one position between two schools or between Title I and a state-funded unit. Linden City's high school and junior high, for example, share the cost of a Title I teacher. When small schools do not generate sufficient state units under the foundation program to fund a position, Title I funding picks up the rest. Title I and the state foundation program share the salaries of counselors in Dallas and Monroe Counties. Monroe County uses Title I dollars to pay half the salary of the assistant principal at J.F. Shields High School, and one-quarter of the salary of the principal at Frisco City Elementary School.

Policy on hiring paraprofessionals, or aides, varies among districts, depending on how a school system structures its Title I program and on principals' preferences for performing certain jobs. Aides provide instruction in class or in small group settings. For example, Dallas County employs no aides with Title I funds, while Selma employed 35 aides, compared to 21.3 FTE (full-time equivalent) teachers in the 1997-98 school year. Selma's preschool program accounts for 12 aides and 12 teachers. Monroe County employed 13 aides and 9.75 FTE teachers in the 1998-99 school year. Wilcox County employed 1 aide and 11 teachers in the 1997-98 school year, the year when a substantial portion of its Title I allocation was spent on construction and renovation. The tiny Linden City district had 2 aides and 3.83 teachers on the Title I payroll.

Hiring aides is viewed as a low-cost means of providing Title I students with services, such as supervising computer labs or tutoring students. But the number and duties of aides may not be as significant as their qualifications. The principal of Monroeville Elementary School, Deborah Marriott, mentioned that the available supply of qualified aides depends on the local market in the school district. The state's class size reduction mandate can "soak up" the supply of certified teachers. Her school hires three paraprofessionals for the classroom. Another aide is assigned clerical duties and supervision of the in-school suspension class. Ms. Marriott considers herself fortunate that two of these aides, who work four hours a day each, are working toward degrees in elementary education.

C. Extended Time

Schoolwide plans must, among other things, indicate schools' intention to increase the amount and quality of learning time by, for example, providing an extended school year and before- and after-school and summer programs. Providing opportunities for additional learning time is especially important for educationally disadvantaged children in rural areas that do not have summer and after-school programs operated by towns, counties, or private groups. Children who most need extra learning time are those whose parents are often the least involved in their education. All the costs of operating extended-time programs can be paid by Title I *if* these funds are treated as discretionary resources.

However, some rural schools are too small to provide extended time through their Title I funds. For example, Monroe Senior, a school with 130 students (97% of whom are poor) in grades K-12, receives $46,500 a year from Title I, enough to pay for one teacher.

In those instances where extended learning time is provided, it is limited to a few students only. For example, Selma's Title I application has a $4,000 item for summer school tuition for those students who are recommended for additional remediation. Dallas County operates a program between semesters of the school year, for which Title I pays the salaries of teachers, and transportation and lunch for students. This Intersession program is targeted at students whose SAT 9 scores place them in the *Alert* or *Caution* range. Parental permission is required, which can limit students' opportunities unless school officials exert special effort to reach parents and stress the importance of the program. At Tipton Middle School, where during the 1997-98 school year, 115 students had scores that fell in the *Alert* range and 285 students scored in the *Caution* range, the principal admitted that only 15 children participated in the previous Intersession. (Tipton failed in *Caution* improvement that year by a tenth of a percent, pushing it back into the *Alert* range.)

Monroe County used Title I funds left over from the 1996-97 school year to run a summer school in the summer of 1998. The program was canceled for the following summer. Johnny Pleasant, the principal of Beatrice Elementary School, was most unhappy about the loss of summer school for his students, 97% of whom are from low-income families. But the school's own budget of $132,838 can hardly afford comprehensive schoolwide reform, much less a summer school program. At the time of the Citizens' Commission's visit, Mr. Pleasant was "trying to work something out" with the central office.

An examination of Monroe County's Title I application for fiscal years 1998 and 1999 reveals that in place of a summer school, district officials decided to expand Title I services to two lower poverty schools for the 1998-99 school year. Excel, a K-12 school with 35.39% poor children, and Monroe County High School with 35.36% poor students, became "targeted assistance" schools, i.e., schools targeting resources to individual students at risk of academic failure. These two schools were allocated $175 per low-income student in order to pay one teacher and one aide at Excel and one teacher at Monroe County High. The four highest poverty schools in the district—Beatrice Elementary School, Frisco Elementary School, J.F. Shields High School, and Monroe Senior—were left with no summer school. Moreover, the regular school year Title I allocations for Beatrice, Shields, and Monroe Senior were reduced by a few thousand dollars each. (See Figure 12.)

Title I defines an *eligible* school as one in which the percentage of poor students is at least as high as the percentage of low-income children for the district as a whole. Those schools above the districtwide average must be allocated funds in rank order of poverty. But the law gives districts the flexibility to serve eligible schools below the districtwide average that are at least 35% low-income. In the case of Monroe County, the districtwide average of poor students, as measured by participation in the free and reduced-price lunch program, is 57.98%. If Monroe County served only those schools above its districtwide average of poverty, it would have to eliminate four schools from the program. Not incidentally, that would also mean denying Title I services to the district's majority white schools.

D. Professional Development

Title I requires that school districts use Title I funds to provide "high-quality" professional development designed by principals, teachers, and other staff from Title I schools. This mandate applies to all schools, regardless of their accountability status. Districts may use funds reserved "off the top" for this purpose, prior to allocating money to schools. Other sources, such as state or local funds, may also be used to meet this mandate.

Districts also receive a separate allocation of federal money for professional development from Title II of the Improving America's Schools Act. Title II funds, matched with local, state, or Title I money, are

often the only source of staff development for all faculty and administrators in the resource-poor districts the Citizens' Commission visited. Linden City used $2,517 of its Title I allocation to match its Title II grant to provide training for all teachers in the use of computers and on the Navigator software program that is aligned with the Courses of Study. At the same time, however, no Title I funds were allocated specifically for professional development at two schools in the same district as Linden City—George Austin Junior High School and Linden High School. Instead, the junior high spent $3,326 for materials and supplies and $3,000 for janitorial supplies.

In addition to these requirements for districts, schoolwide programs must provide professional development for teachers, aides, counselors, parent liaisons, parents, and principals. No specific percentage is required, but a school in school improvement (i.e., *Alert* or *Caution*) must spend at least 10%. Because salaries, equipment maintenance and repair, and supplies consume most Title I funds, it is rare to find a Title I schoolwide program budget that sets aside funds for professional development. Dallas County is the only district visited by the Citizens' Commission that reserved some Title I funds for schools in *Alert* or *Caution*.

It is clear from the Citizens' Commission's research that Dallas County officials know that the law requires Title I schools in *Caution* or *Alert* to spend an amount equal to 10% of its school's Title

Figure 12. Monroe County 1998-99 School Year Ranking of All Schools by Percentage of Free/Reduced-Price Lunch (FRPL)

School	Grade Span	% FRPL	Schoolwide	Targeted
Beatrice Elementary	K-6	96.12%	X	
Monroe Senior	K-12	93.24%	X	
J.F. Shields High	7-12	87.11%	X	
Frisco City Elementary	K-6	81.64%	X	
Monroeville Elementary	K-3	69.20%	X	
Frisco City High	7-12	68.40%	X	
Monroeville Middle	4-5	62.19%		X
Districtwide Average		*57.98%*		
Monroeville Junior High	6-8	53.15%	X	
J.V. Blacksher	K-12	42.70%		X
Excel	K-12	35.39%		X
Monroe County High	9-12	35.36%		X

I funds over two years on teacher training. Funds can come from any source, not necessarily from Title I; but in practice, Title I money is the only available option. Southside High School has had a rocky academic record. It was classified *Caution* in 1996, *Alert I* in 1997, *Caution* in 1998, and *Alert I* in 1999. Ten percent (10%) of its $240,615 allocation spread over two years is $12,030.75 a year. The school's Title I budget shows $12,031 for instructional staff development.

Monroe County, on the other hand, does not comply with the 10% requirement. According to the principal of J.F. Shields High School, there is no Title I money being spent on professional development, even in the 1998-99 school year, when it was in *Alert I*. In 1999, Shields moved from *Alert I* to *Caution*. The Beatrice Elementary School in Monroe County has been classified as *Clear* for the past three years, but the principal reported that he had no Title I funds available for teacher training.

Finally, every educator the Citizens' Commission interviewed commented that reading is the greatest weakness in their schools. State average scores in 1998 on the SAT 9 show that reading was the lowest score of any subject in every grade, third through eleventh. Yet, the Alabama Department of Education routinely approves local Title I applications without ensuring that districts and schoolwide Title I schools are committing some resources to enabling every teacher to teach reading more effectively.

State Superintendent Ed Richardson has acknowledged that "Alabama must focus on raising the reading ability of our students."[24] Upon releasing the 1998 SAT 9 scores, he stated:

> *Raising the reading level of all students to above the 23rd percentile and eventually to grade level will take time, but we do have a winning plan and we are determined to implement it in every school in Alabama in order to enable every child to read on grade level.*[25]

It is true that the state has taken some initial steps to address the reading problem, including the launch of the Alabama Reading Initiative. But while the Reading Initiative is a promising start, it will involve only 64 of the state's 1,309 public schools. Simply put, while Alabama may have a Reading Plan, the state has failed to make use of the Title I requirement and dollars for professional development to improve reading proficiency.

E. Books and Instructional Materials

Under Alabama's foundation program, $500 is allotted to each teacher for materials and supplies. If the teacher's salary is paid by Title I, Title I also pays for this $500 allotment. In addition, $52.50 per student is allotted for textbooks.

The foundation program commits, per teacher unit, $135 for library enhancement and $75 for technology. Need is not a factor. Thus a school with 20 teacher units gets the same amount as any other school with 20 teacher units, whether it is in an affluent suburb of Mobile or Birmingham or a poor district in the Black Belt. Schools in low-wealth districts are handicapped further because they are in regions of the state that do not have private or corporate donors that contribute resources to schools. Some schools, however, may eke out a few hundred dollars from their Title I funds for instructional supplies.

No school the Citizens' Commission visited in the low-wealth districts is as well endowed with books and reading material, including children's literature, as Tuggle Elementary School in Birmingham. All schools have a library which students visit for a few periods a week. All have a policy of lending books to students and parents. Many classrooms, on the other hand, seemed devoid of reading material, even textbooks and required reading material. For example, students in Cinthy Brown's English class at J.F. Shields High School were practicing their lines from *Oedipus the King* on the day of the Citizens' Commission's visit. As the students stood in the front of the room reciting their lines, Ms. Brown prompted them, reading from the pages before her. When questioned how the students learned their parts, Ms. Brown replied, "I copied [the play] from my college textbook." What other instructional materials did this English teacher have? The school spent $1,400

on videos for "upper level literature assignments."

Computer labs for reinforcing basic skills have been a staple in Chapter 1 and Title I schools for years. They are the technological equivalent of worksheets, allowing students to drill on vocabulary and grammar skills. Jostens Systems Learning labs are often the only exposure students in high-poverty schools have to learning any computer keyboard skills. Modern computers and the Internet have outdated these computer learning labs. Yet, each year, the districts the Citizens' Commission visited in the Black Belt spend thousands of dollars in Title I funds to maintain these old computers, rather than investing in current computers and Internet connections, as Linden City has.

To do otherwise would require local school officials to use state and local funds for classroom teachers, counselors, and administrators. Title I resources would then be available to afford technology for instructional purposes. Tuggle and the three schools in Gadsden have computers purchased with Title I funds. Tuggle "traded in" a Title I position in order to purchase computers; while Gadsden buys computers out of the Title I funds it reserves "off the top" of its allocation.

III. Conclusion

The 1994 Title I reforms have not made much of a difference in the Black Belt districts the Citizens' Commission visited. There are few "extras" in these districts, which are the types of things Title I should be buying. Title I money is not invested in improving teachers' knowledge and skills. After-school and summer programs are rare. No supplementary curriculum programs to enrich and accelerate learning exist.

One reason the 1994 Title I reforms have not been realized is that federal money is being used in place of state and local funds to employ regular classroom teachers and to renovate existing school facilities. The schoolwide authority, in particular, is regarded as a license to use Title I funds for basic operating expenses. Such expenditures may make up for the inequities in the state's financing of public schools in rural districts that have a minimal tax base—but they are not fulfilling Title I's purpose of equalizing educational opportunity. As the Montgomery County Circuit Court said in 1993 when declaring Alabama's education system unconstitutional,

> *These systems cannot be said to exercise meaningful choice about the kind of education they desire or dream about for their children; they face, instead, a daily Hobson's choice whether, for example, to do without library books or to leave the roof unmended in order to meet the budget.*[26]

Chapter VI

Findings and Recommendations

Findings

1. Alabama has made a start on education reform in the past four years by adopting the Courses of Study and by holding schools and districts accountable for at least a minimal level of student achievement for the first time in the state's history. Little progress has been made, however, in implementing the 1994 changes in Title I and integrating them into a comprehensive and coordinated standards-based set of reforms devoted to substantial and continuous progress toward high achievement for all students.

   a. Content standards, student performance standards, and the statewide assessment are not aligned with each other, creating a system that is not focused on what students know and can do, but on what stanine on the Stanford Achievement Test, Ninth Edition (SAT 9) they are in, i.e., how students compare to each other.

   b. Achievement standards are low, and even then are not expected of all children. The system disregards many who are below a school's average score and those who are disabled or limited English proficient.

   c. Accountability is focused only on the bottom of the performance spectrum, not on improvement at all levels.

   d. Test scores disaggregated by special student populations, who are historically the lowest achieving, have been reported to the U.S. Department of Education, but not to Alabama citizens.

   e. Educators fear that tough new graduation requirements, including a new high school exit examination, will result in massive failure. In their view, current elementary and secondary grade preparation, high school curriculum, equipment, materials, and inadequately trained teachers are not equal to the task of ensuring student success.

2. The use of the schoolwide option under Title I to upgrade the entire educational program in schools at or above 50% poverty has increased enormously since 1994. The Citizens' Commission found two schools—Tuggle Elementary School in Birmingham and Adams Elementary School in Gadsden—that are using the option as the law intends and producing student progress. In other places, however, schoolwide programs exist in name only.

   Among the factors that distinguish Tuggle and Adams are:

   a. The use of trained specialists to address children's specific needs—e.g., Reading Recovery teachers at Tuggle and English as a Second Language teachers at Adams;

   b. Plentiful and high-quality professional opportunities for all teachers, who also possess great discretion in determining the kind of training they require to best serve students;

c. Principals who are strong instructional leaders, but who also delegate much of the decision-making responsibility to their staff;

d. High expectations for all students even though they come from very low-income or non-English-speaking families and communities with high concentrations of poverty;

e. An intense instructional focus on literacy skills—decoding, phonics, and reading comprehension—supplemented with literature in print and audio formats; and

f. Strong support from district officials and recognition for accomplishments.

3. In the lowest wealth districts in the Black Belt, Title I funds are used not to address the special needs of poor children, but to meet basic needs that should be met by state and local authorities. The lack of nonfederal resources in these districts is attributable to the inequities in the state's education finance system.

   a. The data gathered in connection with the Citizens' Commission's report suggested the existence of supplanting of state and local funds, as evidenced by the use of Title I teachers as regular classroom teachers to meet state class-size reduction mandates and the use of Title I-paid teachers to provide instruction in subjects mandated by state law. The available evidence in the districts studied by the Citizens' Commission suggested that Title I funds are being used to subsidize administrators' salaries, to build or renovate school facilities, and to pay for basic operating expenses such as electricity and janitorial supplies.

   b. The misuse of Title I funds has deprived disadvantaged, low-achieving students of those extra enhancements—such as more highly trained and qualified teachers, extended learning opportunities, and supplementary curriculum—that would enable them to achieve at much higher levels.

4. Professional development resources, which are critical to student improvement, are meager in Alabama. Most of what passes for professional development are one-shot workshops or lessons on test-taking skills and objectives, rather than concentrated, sustained, and compensated work both in classrooms and outside of school.

   a. The Alabama Reading Initiative is a promising start in devoting attention and resources to training teachers how to teach reading, the area acknowledged to be the state's lowest area of performance. The State Department of Education has overlooked the use of Title I funds that could expand participation in the Alabama Reading Initiative to many more schools and students.

Recommendations

The Citizens' Commission offers the following recommendations.

1. High Standards For All Students

a. Alabama must substantially raise its expectations for student learning at all levels for elementary and junior high students. The time for mastering the standards may vary according to students' needs, but all students should be expected to meet proficient or advanced levels.

Title I envisions that students master the basic and advanced skills in the Alabama Courses of Study at key stages in their school career. The need is particularly urgent in light of the new, higher level high school graduation examination. In addition, stronger precollegiate education will increase the numbers of African American and other disadvantaged students

entering and graduating from college and technical training institutions. Students must attain proficiency in reading and arithmetic at the elementary schools to be prepared to tackle algebra and geometry in secondary school. Otherwise, cumulative deficits in learning by the high school years will make it all the more difficult to master high school subjects that prepare students for postsecondary education and well-paying jobs.

While content standards are the same for all students, some children will require more time, e.g., extended day and summer sessions, to achieve proficiency. This principle is the opposite of the system that sets the same number of hours and days in school but establishes different standards for different students according to their presumed ability.

b. Alabama must adopt performance standards linked to the Courses of Study and a criterion-referenced assessment that defines a proficiency level representing true accomplishment and also communicates to students and parents what is expected. In addition to setting a proficiency level, the state should define and explain performance standards that represent advanced accomplishment beyond proficiency. To measure progress toward proficiency, the state should establish performance standards for basic and below basic.

Students assigned to the lowest tracks ordinarily lack access to a curriculum that enables them to meet standards. Performance standards can be explained with narrative descriptions (as is done with the Alabama Direct Writing Assessment) that include examples of student work that meets the standards of advanced, proficient, basic, and below basic. Such descriptions will provide students and their parents with concrete examples of what children are working toward.

Employers and college officials should become involved in setting performance standards. Teachers of first-year college mathematics, English, and other subjects can advise the State Board of Education as to the skills students must have to perform successfully. Similarly, major Alabama employers can illustrate the requirements for entry-level jobs. Involving higher education officials and employers will help to ensure that Alabama's performance standards are sufficiently rigorous and meaningful to meet the state's needs for a trained workforce and literate citizens.

c. Superintendents and principals must not let student performance standards—advanced, proficient, basic, and below basic—become a new way to sort and track students.

Professional development can help teachers develop a variety of strategies and techniques that will enable students of various backgrounds and aptitudes to learn the same material.

d. The content standards, performance standards, and samples of student work should be translated into Spanish or other languages spoken by limited English proficient students in the state.

2. Assessing Student Performance: Criterion-referenced Assessments; Testing of All Students; Disaggregation of Test Scores

a. Alabama should replace or supplement the SAT 9 with a criterion-referenced test that incorporates the performance standards and is aligned with the Courses of Study. The new assessment should cover all subjects required to be taught in the state's schools, as the SAT 9 does now.

b. Alabama should issue new guidelines for the inclusion of and accommodations for disabled and limited English proficient students that comply with Title I and the Individuals With Disabilities Education Act (IDEA). The State Board of Education must consider new policies with respect to the assessment of children who are limited English proficient, including native language assessments, e.g., a Spanish version of the new criterion-referenced examination in subjects other than English for students who receive

some or all of their instruction in their native language while learning English. The Alabama Department of Education should provide training on its new assessment policies for district Title I coordinators and principals of schools that enroll disabled and limited English speaking students.

c. *Alabama should disaggregate test scores by all the categories required by Title I for the state as a whole, for each district, and for each school. Disaggregation should also be done for each performance standard.*

Disclosing test results by subpopulations of students serves two purposes. First, it allows educators, parents, and the community to know the attainment of students who historically have been the lowest achievers and the least well served by schools so that special efforts can be directed by the whole community at narrowing and closing the achievement gap. Second, the data must be available so that schools and districts can be held accountable for raising the achievement of all students, not just the average of all students.

3. An Accountability System For All Students

a. *Alabama's new accountability system should be designed to measure substantial and continuous progress of all students toward attainment of at least proficiency.*

No school or district should be found "in the clear" unless all students, including those who are poor and limited English proficient, are making progress.

b. *The state should establish goals in terms of the time schools and districts will have to bring virtually all students up to the level of proficiency.*

c. *The accountability system should not rely exclusively on one test, but should include other measures, such as scores on the new statewide assessment and the Alabama Direct Assessment of Writing. It may also include student and teacher attendance, grade retentions, and dropouts, as long as academic measures are accorded the greatest weight.*

d. *Schools should be held accountable for the substantial and continuous progress only of those students who are enrolled for a full school year.*

e. *The State Superintendent's Report Card should be revised to reflect each school's and district's absolute standing with reference to the goal of having virtually all students at the proficient performance level. Copies should be sent to each parent.*

4. Equalizing Resources Among Districts So That Title I Addresses Special Needs

The findings in this report underscore how far many schools in Alabama—particularly those serving large numbers of African American and poor children—are from achieving acceptable levels of academic performance. The children who attend such schools will have little hope of future success, including passage of the new high school exit examination, unless the state takes emergency measures to address resource disparities, to redeploy federal funds, and, ultimately, to provide such children with effective instruction. The recommendations in this section call on both the legislature and the State Department of Education to act swiftly. The consequences of not acting are likely to include: widespread failure, particularly of disadvantaged children, on the high school graduation exam; prolonged litigation; the continued low ranking of Alabama among states; and dim prospects for the state's future.

a. *For Title I to serve its purpose of providing educational opportunity for disadvantaged students, the state legislature must address the*

underfunding of Alabama school districts by taking swift steps both to equalize expenditures between well-off and poor districts, and to ensure that all districts have adequate state and local dollars to provide a constitutionally adequate education. Resources should be sufficient and deployed to support effective measures to ensure that all children are provided the instruction and assistance they need to meet the state's standards, including the new standards for high school graduation.

b. *The Alabama Department of Education should cease approving the expenditure of Title I funds for salaries and other basic needs that should be paid for with state and local funds, as required by state statutes and court decisions. For example, the salaries of regular classroom teachers, assistant principals, and counselors that are mandated by state law should be paid by the general fund, from state and local resources, not by Title I.*

Title I funds are targeted to districts and schools with high concentrations of poverty to enable schools to raise the academic performance of educationally disadvantaged students, whether they are limited English proficient, disabled, or come from low-income families. State and local revenue should pay for the basic operations of schools required to provide an adequate education under state law: e.g., classroom teachers in conformance with class-size reduction mandates; classrooms and food service areas; principals, assistant principals, and counselors; instructional materials; electricity; and science labs and equipment. Title I should fund *extra* teachers beyond those required to meet class size mandates, additional reading curriculum, extended day and summer school programs for students who need supplemental instruction, field trips, and professional training opportunities for teachers.

c. *In order to eliminate the temptation to use Title I to meet basic operating expenses, the State Superintendent should act swiftly to issue a directive to all school districts clarifying Title I's fiscal requirements. The directive should specify, e.g., that salaries of teachers hired to meet class size reduction mandates are to be paid with state and local revenue, and that Title I can only pay for the salaries of additional classroom teachers to lower class sizes below the state requirement.*

d. *The state should further act to provide guidance to districts and schools on the kinds of supplemental services and expenditures that would have the greatest impact in Title I schools. These may include: lowering class size further in the highest poverty schools; after-school, tutoring, and summer programs for students who need extra help; enhanced professional development opportunities; working with parents to improve their literacy and involvement with their children's education; and meetings among teachers to collaborate and provide support on school improvement efforts.*

e. *Finally, school districts in Alabama should target Title I funds to the highest poverty schools, those above the average of poverty for the entire district.*

Other schools may be eligible for funding, but have far fewer needy students than those with the highest concentration of poor and low-achieving students. Superintendents and Title I coordinators must resist the appeals of principals and parents from eligible but unfunded schools to divert resources away from the neediest students and schools.

5. Developing the Capacity to Enable All Students To Meet State Standards

a. *All teachers and support staff in Title I schools must receive high-quality, school-based, and continuous professional development above and beyond state requirements and school accreditation standards.*

Many teachers and principals choose their profession because they love children and want to help them succeed in life. As devoted as they are to young people, they need the support and resources necessary to fulfill their mission. The most important thing local administrators can do is to invest heavily in the knowledge and skills of teachers. Investing in the skills and knowledge of teachers is directly related to student achievement.

Professional development should be geared to the Courses of Study, the standards that define what students should know and be able to do. Teacher training must go beyond one-hour sessions on test-taking skills and classroom management, to include subject-matter knowledge, working with experienced mentor teachers, observing other teachers, meeting with other teachers, and visiting high-performing, high-poverty schools outside the district. Professional development must be seen as much a regular and ongoing part of daily school life as is taking attendance.

b. The Title I staff in the State Department of Education, as well as the Regional Service Centers and the School Support Teams, must become thoroughly knowledgeable about the requirements of Title I.

The capacity-building effort requires coordinating resources within the Department of Education, the state's higher education system, its Regional Service Centers, and its School Support Teams, as well as nongovernmental organizations such as A+ Education Foundation and the Coalition of Alabamians Reforming Education (C.A.R.E.). Capacity-building involves providing the knowledge, training, and resources to state Title I staff, local Title I coordinators, and principals and staff of Title I schools needed to ensure that local Title I applications for funds comply with the law.

c. State Superintendent Ed Richardson should address the purpose and proper use of Title I funds at his regular meetings with local superintendents.

It is critical that the chief state school officer send a strong and emphatic message to local superintendents that they must comply with the law and that improper expenditures will not be tolerated.

d. Title I training should be provided to members of the Alabama Association of School Boards, the Alabama Association of School Business Officials, the Council for Leaders in Alabama Schools, the Alabama Education Association, the Alabama Association of Federal Program Managers, and local teachers' organizations such as the Jefferson County American Federation of Teachers.

e. Title I funds should be made available to support all forms of professional development. The state should no longer approve district applications for funding unless districts demonstrate that Title I funds are spent for professional development in all Title I schools. Teachers should be compensated for time spent outside of normal school hours on professional development.

The State Department of Education could substantially advance the goal of 100% literacy by requiring districts and schools to use some of their Title I resources to enable teachers to participate in the Alabama Reading Initiative. This strategy could be implemented first in those schools and districts with the lowest reading scores. As it is now, schools participate on a voluntary, first-come, first-served basis. Districts that lack educational leadership or claim that they cannot afford to pay their teachers to participate in the Alabama Reading Initiative will continue to deprive their students of the ability to read and comprehend.

f. Alabama must also devote attention and resources to preparing teachers to work with its growing limited English proficient student population. A special effort must be made to recruit and certify bilingual teachers, as well as to provide training in language acquisition to monolingual teachers.

g. *School and district officials must exert initiative and leadership to convey to parents the necessity of their children's attendance.*

Extended learning time provided between semesters, after school, or in the summer can provide extra pay for teachers, but does students no good if they do not attend. Aggressive follow-up is needed so that the failure of parents to return forms giving permission for their children to participate in extended time activities is not used as an excuse to deny students this opportunity. Providing an enriched and challenging program, not just test-taking drills, will make extended learning more appealing to students.

6. The Federal Role

a. *It is urgent that the U.S. Department of Education accelerate its continuing technical assistance to Alabama. The U.S. Department of Education also should take enforcement action where necessary.*

It is evident that Alabama has experienced difficulty implementing Title I requirements. The result is widespread underachievement and denial of educational opportunity to those students Title I is intended to help. The state is using an assessment, the SAT 9, which the Department's guidelines consider acceptable as a "transitional" assessment but, as a norm-referenced test, is not appropriate for a standards-based system as required by law. Alabama uses cut scores, but the Department has taken the position that cut scores on norm-referenced tests are not acceptable as student performance standards. The five-year time period for states to comply with the requirements of the law with respect to content and student performance standards and final assessments is almost at an end. Before that time expires, the Secretary of Education should use his authority under sections 1111(b)(6)(D) and (E) of Title I to require Alabama to adopt a set of standards and assessments contained in the plans of other states that he has approved as meeting the requirements of the law.

b. *The U.S. Department of Education's Office of Elementary and Secondary Education should provide technical assistance for the Title I staff in the Alabama Department of Education on the fiscal and program requirements for school districts.*

Particular attention needs to be given to the design and implementation of comprehensive schoolwide programs, as this concept is not at all well understood in the majority of such schools the Citizens' Commission visited.

c. *The U.S. Department of Education's Office of the Inspector General should conduct a fiscal audit of Alabama in order to determine whether Title I funds are being used to supplant state and local funds, particularly with respect to the hiring of classroom teachers.*

7. The Public's Role

a. *Education reform and professional organizations, child advocates, and community groups should pay more attention to how Title I funds are used in districts and schools.*

Title I rules, regulations, applications, budgets, and school report cards—all of which are public documents—can be advocacy tools. Using these documents to determine how Title I funds are spent involves both a monitoring and education function. Asking questions about Title I raises awareness. Principals and teachers often do not know what can be done with federal funds; school board members and parents may know even less. Federal law requires state education departments to investigate and respond to complaints about violations of Title I or misuse of funds. In addition, advocates can work with schools to involve parents in their children's education, to organize family literacy programs, and to support students' academic efforts.

★ ★ ★

Alabama has momentous challenges ahead. Alabama has embraced high standards at the end of schooling—the high school diploma—but not at the beginning. Failure rates on the pilot tenth grade exam this year should not be used as a reason to back off standards. Standards for student achievement prior to high school are too low. Higher standards for all students, trained teachers who can enable students to meet the standards, and supports for student learning must exist at all ages from preschool to high school. Otherwise, state policy will perpetuate the cycle of poverty in Alabama in generation after generation.

Endnotes

[1] 20 U.S.C.A. § 6301 *et seq.* (Supp. 1999).

[2] Education Week, *Quality Counts: A Report Card on the Condition of Public Education in the 50 States*, at 63-64 (Jan. 22, 1997).

[3] Alabama Department of Education, 1997-98 District and School Report Cards.

[4] U.S. Department of Education, *Alabama State Performance Report 1996-97*.

[5] *Alabama Coalition for Equity v. Hunt* and *Harper v. Hunt*, Order dated Apr. 1, 1993, Appendix to Opinion of the Justices, 624 So.2d 110, 117 (Ala. 1993).

[6] *Alabama Coalition for Equity v. Folsom*, Case No. CV-90-833-R, and *Harper v. Folsom*, Case No. CV-91-0117-R, Remedy Order, slip op. (Oct. 22, 1993).

[7] J.S. Berman and D. Dunphy, "Building Plans for Reform: Alabama's School Finance Litigation, " *Studies in Judicial and Public Engagement*, vol. 1, no. 4 (Campaign for Fiscal Equity Inc., July 1998); interview with Cathy Gassenheimer, Managing Director, A+ Educational Foundation for Educational Excellence in Alabama (Nov. 6, 1998).

[8] Accountability Act, H. 466 (July 7, 1995); Foundation Law, H. 468 (July 7, 1995).

[9] "Better Education Graduates Driving Force Behind Initiatives," *Alabama Education News*, vol. 22, no. 3 (Oct. 1998).

[10] Letter from Gerald N. Tirozzi, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, to Edward R. Richardson, Superintendent, Alabama Department of Education (July 1, 1996).

[11] Letter from Gerald N. Tirozzi, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, to Edward R. Richardson, Superintendent, Alabama Department of Education, (July 9, 1997).

[12] Letter from Edward R. Richardson, Superintendent, Alabama Department of Education, to Gerald N. Tirozzi, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education (Aug. 18, 1998).

[13] Letter from Edward R. Richardson, Superintendent, Alabama Department of Education, to Mary Jean LeTendre, U.S. Department of Education, at 1 (June 6, 1997).

[14] State of Alabama Department of Education News Release, *Writing and Geometry Test Scores Released* (Oct. 5, 1998).

[15] Section 1111(b)(3)(F)(iii) of Title I, 20 U.S.C.A. § 6311(b)(3)(F)(iii) (Supp. 1999).

[16] Section 1111(b)(2) of Title I, 20 U.S.C.A. § 6311(b)(2) (Supp. 1999).

[17] Letter from Robert Davis, Curriculum Assistance Specialist, Alabama Department of Education, to Larry Woolfolk, Principal, J.F. Shields High School (May 16, 1997).

[18] Memorandum from Ronald H. Bailey, Superintendent, Monroe County Board of Education, to Larry Woolfolk, Principal, J.F. Shields High School (Sep. 22, 1998).

[19] U.S. Department of Education, *National Assessment of the Chapter 1 Program: An Interim Report*, at 103 (June 1992).

[20] Section 1120B(b)(1) of Title I, 20 U.S.C.A. § 6322(b) (Supp. 1999).

[21] Section 1114(a)(3)(B) of Title I, 20 U.S.C.A. § 6314(a)(3)(B) (Supp. 1999).

[22] U.S. Department of Education, *Schedule of Findings and Questioned Costs for the Year Ending Septem-*

ber 30, 1997 (Audit 96-28), at 61 (emphasis added).

[23] Testimony of Dr. Landa Trentham, Auburn University, before the Subcommittee on Education, Arts and Humanities, Committee on Education and Labor, U.S. Senate, at 35 (July 26, 1993).

[24] State of Alabama Department of Education News Release, *Stanford Achievement Test Scores Released* (June 25, 1998).

[25] *Id.*

[26] *Alabama Coalition for Equity v. Hunt* and *Harper v. Hunt*, Appendix to Opinion of the Justices, 624 So.2d 110 (Ala. 1993).

Part Two:

Title I in Midstream: The Fight to Improve Schools for Poor Kids

For the reader's convenience, the Citizens' Commission has excerpted the Summary and Findings and Recommendations of its report surveying the implementation of Title I at the federal level.

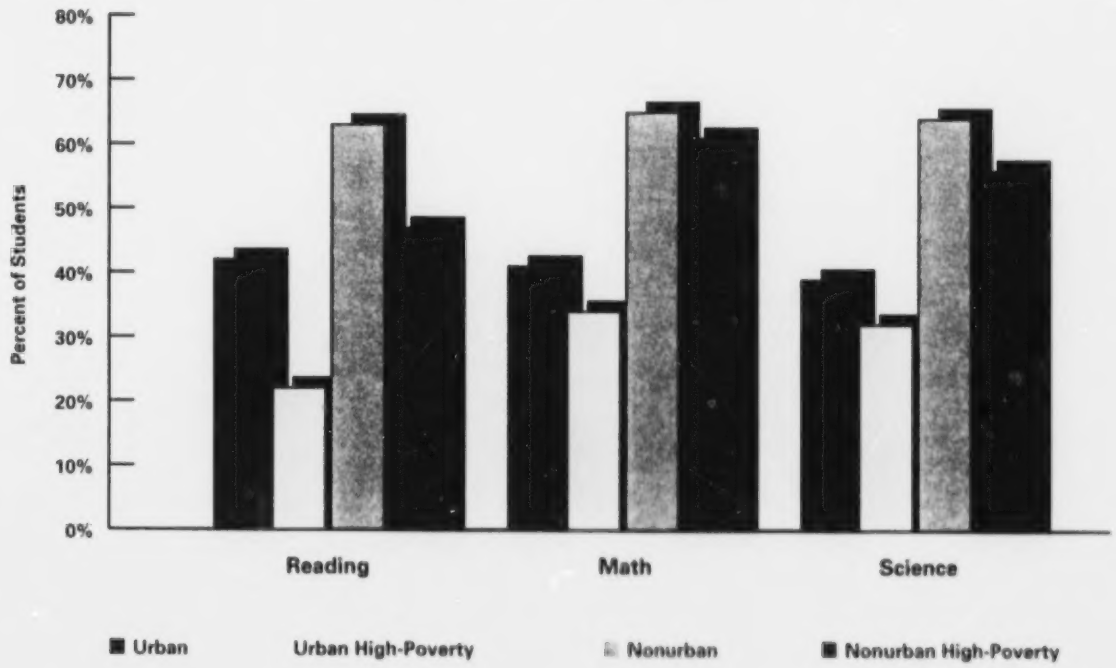
Chapter VII

Summary of *Title I in Midstream*

Introduction, Findings and Recommendations

Nearly a half-century after the Supreme Court's landmark decision in *Brown v. Board of Education*, our nation still has not secured for our least-advantaged children the educational opportunities that *Brown* held were necessary to redress discrimination. While significant numbers of our children have benefitted from desegregation, from the enforcement of other civil rights laws in education, from federal assistance to disadvantaged children, and from federal programs such as Head Start, the barriers to obtaining a good education faced by the minority poor remain imposing. Those barriers are greatest for children who live in concentrated poverty. (See Figure A.)

Figure A. Students Scoring at "Basic" Level or Higher on the National Assessment of Educational Progress (NAEP)



Source: Education Week, *Quality Counts '98: The Urban Challenge: Public Education in the 50 States*, at 12 (Jan. 8, 1998). Reprinted with permission of Education Week.

BEST COPY AVAILABLE

There is much evidence that all children can learn and that the public schools serving minority and poor children can be successful in educating students to high standards. What is missing is a major commitment on the part of educators and public officials at all levels—federal, state, and local—to make educational opportunity for poor children a priority, to provide sufficient resources and deploy them effectively, to insist on high academic standards, and to hold all schools and school districts accountable for results. Through the passage of the Title I program, funded under the Elementary and Secondary Education Act (ESEA), Congress provided a powerful tool for accomplishing all of these goals. In 1994, the most recent reauthorization of the three-decade-old law, Congress substantially overhauled the Title I program to shift the focus from remedial education to high standards and higher achievement.

In this report, part of a larger study that will include an examination of Title I implementation in selected states, districts, and schools, we assess the extent to which the policies and enforcement practices of the U.S. Department of Education ("Department") have fulfilled—or, in some cases, thwarted—the promise of the new law with respect to our poorest children. Our study is organized around five broad sets of questions germane to whether the 1994 Title I reforms are having their intended impact on improving the achievement of disadvantaged children:

- Are high **standards** being set for all children?
- Is the attainment of these standards being measured with **assessments** of student achievement that are fair, accurate, and shared with parents and the public?
- Are school districts and schools that receive Title I dollars held **accountable** for making substantial and continuous improvements in student performance?
- Do states, districts, and schools ensure that teachers have the **capacity** (i.e., the knowledge, training, and resources) they need to provide all students with the opportunity to achieve at high levels?
- Is there evidence that the **reforms can work**, i.e., examples of successful schools, districts, and states making progress toward achieving higher standards?

With respect to the central question—whether Title I is making a difference for poor and minority children—the Citizens' Commission's short answer is that ***yes***, Title I has made some difference to poor and minority children, but ***no***, Title I has not made enough of a difference to close the persistent achievement gaps between poor and non-poor, and minority and non-minority students. The shortcomings of the program flow in large measure from the failure of federal, state, and local officials to heed the call of the new law to renovate and reform the educational system.

Nonetheless, there is every reason to believe that the program can be successful in the future. The new Title I reforms, while still in midstream, are sound and workable. Evidence of their positive impact is accumulating in states, like Maryland and Texas, that had similar standards-based reforms in place before 1994, and in areas that have acted rapidly to implement the 1994 reforms. Prospects for further gains will be enhanced by modest improvements in the statute, and a commitment by the Clinton Administration to implement the law, along with a willingness to enforce its requirements where violations occur.

Accordingly, the Citizens' Commission recommends that Congress ratify the principles of standards-based reform contained in the 1994 amendments by reauthorizing Title I for at least five more years. Congress should also take additional steps to improve the capacity of schools and school districts in areas of concentrated poverty to meet the challenge of helping all their students reach high standards.

The Citizens' Commission also recommends that the President and the Secretary of Education announce the resolve of the Administration to implement and enforce Title I to secure its primary pur-

pose: equalizing the learning opportunities available to poor and non-poor children. In addition, governors and state and local education officials should heed the mandate of Title I and, in many cases, their own state laws and policies, to ensure that poor and minority children reap the benefits of standards-based reform.

Chapter II. Federal Aid to Education: The Continuing Need and the Varying Response

Although public education is largely a state and local concern, the Fourteenth Amendment calls upon the federal government to ensure equality of educational opportunity. Guided by the Supreme Court's 1954 decision in *Brown v. Board of Education*, the national interest in education has been manifested for the past three decades primarily through the civil rights laws and through Title I, an $8 billion program that now serves approximately 10.5 million students in some 50,000 schools. While the federal share of educational expenditures is small (less than 7%), Title I has helped to narrow the gap in education revenue that exists between high- and low-income areas because of inequities in state school financing systems. There is also evidence that the program has been effective in teaching basic skills and in ameliorating, to a degree, the persistent achievement gaps between white and minority students.

Nevertheless, evidence drawn from schools operating under the old law (then called Chapter 1) showed that the law was not fully effective because: (1) it was designed to teach only basic, not advanced, skills; (2) it was based on and ratified low expectations of poor and minority youngsters; and (3) it isolated these youngsters from the mainstream by pulling them out of the classroom for remediation. In 1988, a new quality focus was added to the program. In 1994, Congress completely overhauled the law in the Improving America's Schools Act (IASA), reauthorizing Chapter 1 (now Title I) for a five-year period. The IASA contained many of the major changes recommended by education and civil rights advocates to ensure that Title I and other federal funds would be used by state and local education agencies to undertake meaningful reforms that would result in substantial academic gains for poor and minority students. (See Figure B.)

Taken together, the 1994 amendments amount to a major agenda for education reform that can benefit poor and minority children. Title I now requires that states and school districts receiving funds:

- Set **high standards** that all students, including low-income and limited English proficient students, must meet in all subjects.
- Develop **new assessments** that measure the progress of students, schools, and school districts in meeting high standards.
- Hold school districts and individual schools **accountable** for showing continuous improvements in student performance, until all students achieve at high levels.
- **Target resources** to schools and districts with the highest concentrations of children from low-income families.
- Encourage **schoolwide improvements** in schools where more than half the children are from low-income families.
- Ensure that eligible schools and districts have the **capacity** to teach to high standards, including adequate **professional development**, and, where necessary, the provision of extra resources to needy schools.

Figure B. The Old Title I vs. The Current Title I

Old Title I:	Current Title I:
Different standards for different groups of children	Same high standards for *all* children
Lower expectations for poor and minority children	Same high expectations for *all* children
"Dumbed-down" curricula for Chapter 1 children	Same challenging curricula for *all* children
"Basic skills" tests that compare students to each other, not to any objective standards	Higher level tests that measure students' progress toward standards
Tracking, along with separate, pull-out instruction away from the regular classroom and classmates	Rich instruction and support in the the classroom; extra help after school hours
Little training for teachers and aides	Investment in high-quality staff development for teachers and aides
Detailed accounting for dollars	Accountability for results
Successful schools lose money; failing schools continue to fail	Recognition for successful schools; help—then corrective action—for schools that continue to fail

Sources: Title I of the ESEA, 20 U.S.C.A. § 6301 *et seq.* (Supp. 1998); Commission on Chapter 1, *Making Schools Work for Children in Poverty* (Washington, D.C.: Commission on Chapter 1/American Association for Higher Education 1992).

Chapter III. Standards

Responding to pervasive evidence of low standards and expectations, Congress rewrote Title I to require an entirely new approach. To receive Title I funds, states are now required by law to demonstrate to the Department that they have adopted challenging content and performance standards.

But the new law's commitment to high standards for all children soon hit a roadblock in implementation. The Clinton Administration almost immediately after the 1994 mid-term elections began to exhibit reluctance to tell state and local authorities what was expected of them under the new law, or to implement key provisions of the law that were designed to equalize learning opportunities for poor and non-poor children. In the end, delays in implementation, faulty interpretations, and breaches in enforcement of the law became the order of the day.

The new law's intent was to transform Title I from a remedial reading and math program into one that assisted schools serving poor children to improve the achievement of students in a broad range of challenging academic content. In proposed and final regulations, however, the Department limited the requirement of standards and assessments for Title I purposes to two subjects—reading and mathematics—even when states had standards and assessments in other subjects. This narrow view threatens to undermine efforts to bring high standards, and aligned curriculum and instruction in subjects like science and social studies, to high-poverty schools.

In another break with the letter and spirit of the new law, which requires states to adopt uniform standards, the Department decided to permit states to accept differing local standards, without any effective means for ensuring that all children would be called upon to meet high standards. The enduring message of the Department's nonregulatory policy guidance on this subject is that states are free to adopt dual standards, thereby allowing districts with high proportions of poor and underachieving students to expect less of their students.

Chapter IV. Assessments

The new assessments called for by Title I are far different from what has previously been used to measure student learning. For one thing, the assessments will measure what a student knows against a standard that specifies what he or she is expected to know, rather than comparing one student against another on a bell-shaped curve. For another, the standards will themselves often call for students to demonstrate knowledge and skills needed to live and work in a much more complex society. Thus, the forms of these new assessments are expected to be rich and varied, relying less on multiple-choice, "fill-in-the-bubble" items, and instead incorporating student writing, constructed responses, portfolios, and other measures of students' ability to solve problems and demonstrate understanding of complex subject matter. Finally, in a significant break from past practice, assessments should include important core subjects beyond reading and mathematics, such as social studies and science.

These new forms of assessment are an essential element of the new law's theme of standards-based reform. Without an accurate means of measuring what students know and can do, responsible school authorities have no way of gauging whether students are reaching high standards. And without such an accurate gauge, schools and school districts cannot be held accountable for results. Accurate assessment tools, then, are the glue that holds the reform effort together.

The Citizens' Commission's investigation uncovered critical deficiencies in the Department's interpretation of the assessment requirements of the new law. The end result was the approval of many state plans that were legally inadequate. For example, the Department did not require states to spell out their plans for full inclusion of limited English proficient (LEP) and disabled students in the assessments, including their plans for appropriate modifications and accommodations. Nor did the Department require states to describe how they would provide for the disaggregation of assessment results by race, gender, poverty status, English proficiency status, and other categories spelled out in the law. Moreover, the Department did not provide sufficient direction to its peer reviewers and staff members charged with reviewing and recommending approval or disapproval of these plans. As a result of all of these failures, along with a general reluctance to engage in controversy with states, many plans were approved without the Department even pointing out, much less requiring correction of, their legal deficiencies.

The Department also departed from the law's intent when it decided not to require statewide assessments in the Title I program. Civil rights and other advocates criticized this decision on grounds that allowing local school districts the latitude to use their own tests was likely to perpetuate a dual education system in which lower standards would persist in high-poverty, high-minority school districts—the very outcome the new law sought to avoid. Experts in the field of assessment and measurement, including the National Research Council's Board on Testing and Assessment, agreed that aligning or assuring the comparability of different assessments was virtually impossible, as a technical matter. The Citizens' Commission's examination of the state plans submitted to the Department confirmed the seriousness of the Department's retreat on this issue, in that many of the state plans approved by the Department do not appear to comply with the law.

Chapter V. Accountability

Under the new Title I, states must develop and implement comprehensive systems of accountability for all Title I schools. These accountability systems must be based on state standards, and assessments aligned with those standards. While the law allows each state to design its own final accountability system, aligned with its own state standards, assessments, and reform efforts, the following key elements must be included to ensure a viable accountability system and meaningful school improvements: (1) adequate yearly progress (AYP); (2) public engagement; (3) identification and help for schools in need of improvement (See Figure C); (4) corrective action; and (5) requirements for state plans.

To its credit, the Department made accountability a priority in considering proposed state plans. Failure to describe sufficient measures to identify

Figure C. School and District Accountability: Improvement Process Timeline

	Year 1 (1995–1996)	Year 2 (1996–1997)	Year 3 (1997–1998)	Year 4 (1998–1999)	Year 5 (1999–2000)	Year 6 (2000–2001)
Schools already in program improvement for two consecutive years prior to 1995-96 school year	Technical assistance and optional corrective actions.	=>	Required corrective actions for schools still not making adequate progress.			
All other schools	Failure to make adequate progress.	=>	Identification of school. Technical assistance and optional corrective actions.	=>	Required corrective actions for schools still not making adequate progress.	
Districts	Failure to make adequate progress.	=>	Identification of district. Technical assistance and optional corrective actions.	=>	=>	Required corrective actions for districts still not making adequate progress.

Source: U.S. Department of Education, *Guidance on Standards, Assessments, and Accountability*, at 83 (Mar. 1997).

schools and districts for improvement during the transition period was the number one reason many states received only conditional approval of the Title I component of their plans. In addition, the Department has worked closely with state education officials and technical experts to craft sound accountability measures and has issued helpful guidance spelling out the requirements of the law.

Regrettably, however, much of the Department's enforcement to date of Title I's accountability requirements has glossed over the widespread propensity of school officials to maintain and tolerate a permanent underclass of low-achieving students who are disproportionately poor and minority. For example, numerous states planned to use a single cut score on their assessment to determine adequate progress instead of requiring continuous improvement, thereby permitting schools to continue to fail to adequately educate the many Title I children who score below the cutoff. Many state plans also contained few or no provisions and safeguards to ensure that LEP and poor children also make adequate progress toward achieving the standards. Despite statutory language, neither early drafts of the Department's guidance nor its plan approval criteria required states to specifically include poor and LEP students in their definitions of AYP. In some cases abetted by guidance issued in conflict with the law, and in other cases in spite of its own helpful guidance, the Department has approved scores of accountability provisions in state plans that do not conform with the new law. In large measure, these deficiencies will permit, and in some cases exacerbate, dual standards within states, within districts, and even within individual schools, for advantaged and disadvantaged students.

The Department's vacillation and prolonged delay in issuing final guidance consistent with the law sent the wrong message to states, and undermined the statutory goal of statewide accountability measures to increase all students' achievement. The final guidance was a small improvement over earlier drafts, in that it encouraged, but did not require, states to hold districts accountable for the progress of poor and LEP students, not just for overall progress. To the detriment of LEP children, the guidance provided too little, too late; it failed to *require* full inclusion in the accountability system, and it was added long after state plans were submitted and approved.

Chapter VI. Capacity-Building

The new Title I law contains three sets of provisions which, if carried out, should bring about real improvements in the quality of education provided in many participating schools. These are: an explicit state duty to help build school capacity; provisions for professional development; and state support for schoolwide programs and schools in need of improvement. (See Figure D.)

While all Title I grant recipients have a legal responsibility to build school capacity, the Department has chosen to minimize this capacity-building requirement by providing little or no explanation of this responsibility. Moreover, the Department chose not to make compliance with the capacity-building provision a condition for approval of states' plans (and, hence, the continued flow of Title I dollars to the states) although it could have, and should have, done so. Despite explicit statutory language, and despite commenters' recommendations on proposed plan criteria, the Department never asked, nor was it told, whether states had any real intention of taking the steps needed to ensure that their Title I schools were able to implement the rigorous requirements of the new law with respect to what actually goes on in the classrooms of Title I schools.

With respect to professional development, the Department has been a strong proponent, but has never advised states that it will enforce relevant Title I provisions, or required the states to enforce these provisions. For example, Title I now requires schools identified as needing improvement to devote the equivalent of 10% of their Title I allocation over a two-year period to professional development activities. But most states glossed over this requirement in plans approved by the Department.

The most encouraging sign with respect to the capacity provisions in Title I is that most states have

Figure D. Schoolwide Capacity Requirements

The breadth of states' capacity-building responsibilities is illustrated by how they must help local educational agencies comply with schoolwide program requirements. Under Title I § 1114(b), schoolwide program components include, but are not limited to:

- "effective instructional strategies . . . that . . . increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum";
- strategies that "address the needs of all children in the school . . . which may include . . . counseling, pupil services, and mentoring services; . . . college and career awareness and preparation . . . job placement services, and innovative teaching methods which may include applied learning and team teaching strategies";
- "[i]nstruction by highly qualified professional staff";
- "professional development for teachers and aides, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards";
- "[p]lans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs"; and
- "[a]ctivities to ensure that students who experience difficulty mastering any of the standards required . . . during the course of the school year shall be provided with effective, timely, additional assistance . . . ."

been willing to heed the call of the new law to help improve schools in a more systematic way by establishing state-organized and financed school support teams and related programs operating out of the state education departments. The Department's clearest guidance both to the field and to its own peer reviewers on capacity issues was on the topic of state support teams. The result was that many states' plans clearly described the creation, composition, and role of school support teams.

States have been undercut in their capacity-building efforts, however, by the refusal of Congress to appropriate funds for school improvement in 1997-98 and for targeted grants for the neediest districts.

Despite deficiencies, a number of states did articulate a strategy for sustained help and capacity-building for their most troubled schools and for the provision of the sort of intensive, hands-on professional development most experts believe is needed to turn around such schools.

Chapter VII. Waivers

As part of Title I's exchange of greater flexibility for increased accountability, Congress included "waiver" provisions in the recent amendments to the ESEA. Now, for the first time in more than 30 years of federal education law, grant recipients may be relieved of the duty to comply with ESEA provisions that are deemed to impede improvement and reform.

The Citizens' Commission analyzed publicly available data and reports as of December 31, 1997, the midpoint of the authorization period, in order to determine whether the waiver provisions, and the Depart-

ment's implementation of them, have supported or undermined the core objective of the law: to improve educational outcomes for children in schools with high concentrations of poverty. The Department generally made reasonable case-by-case waiver determinations, and required applicants to demonstrate that the needs of higher poverty schools would be adequately addressed. Thus, in the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

The relative paucity of waiver applications—fewer than 500 over a three-year period from out of the 13,000 Title I school districts within the United States—and the small number of provisions for which waivers were requested suggest that the law is workable as written. (See Figure E, Figure F.) However, there is still the very real possibility that the low number of waiver requests reflects, in part, the fact that many school officials either do not fully comprehend their obligations under Title I, or do not take them seriously.

Figure E. Disposition of Waiver Requests, 1994-1997

Year Received	Total #	# Granted	# Denied	# Returned/ Withdrawn	# Pending	# Unknown
1994	1	1 (100%)	0	0	0	0
1995	188	100 (53%)	12 (6%)	75 (40%)	0	1 (<1%)
1996	154	46 (30%)	21 (14%)	86 (56%)	0	1 (<1%)
1997	148	82 (55%)	8 (5%)	43 (29%)	12 (8%)	3 (2%)
Total	**491**	**229 (47%)**	**41 (8%)**	**204 (42%)**	**12 (2%)**	**5 (1%)**

Source: Citizens' Commission Analysis of Freedom of Information Act (FOIA) Request Material from U.S. Department of Education.

Figure F. Types of Waiver Requests*

Year	Total #	Eligibility/ Targeting (§ 1113)	Schoolwide Programs (§ 1114)	Fiscal (§1120A/ 14501)	Standards' Deadline (§ 1111)	Professional Development (§ 2206)	Other (<5 requests per §)
1994	1	1 (100%)	0	0	0	0	0
1995	188	152 (81%)	8 (4%)	7 (4%)	0	5 (3%)	16 (8%)
1996	154	77 (50%)	37 (24%)	18 (12%)	0	6 (4%)	16 (10%)
1997	148	43 (29%)	61 (41%)	4 (3%)	28 (19%)	3 (2%)	9 (6%)
Total	**491**	**273 (56%)**	**106 (21%)**	**29 (6%)**	**28 (6%)**	**14 (3%)**	**41 (8%)**

* "Fiscal" waivers do not include requests to waive maintenance effort requirements. Maintenance of effort has its own specific waiver authority. ESEA § 8891(c) (Supp. 1998)

Source: Citizens' Commission Analysis of FOIA Request Material from U.S. Department of Education.

Chapter VIII. Good News

After operating for three years under Title I, and assisted by initiatives catalyzed by Goals 2000, the New American Schools program, and state reform efforts, the number of school success stories is steadily increasing. Numerous school improvement programs have begun to "scale up," bringing reform to hundreds rather than just a handful of schools. Entire districts are beginning to implement reforms based on research about effective schooling for disadvantaged students. Significantly, there is now evidence that these heightened reform efforts are improving achievement districtwide, rather than just for individual isolated schools. These success stories shift the focus of the debate from what is wrong with kids (or their parents) to what schools can do to level the playing field and provide opportunities to learn.

The Citizens' Commission examined the results of standards-based reform in three cities—San Antonio, Texas; Philadelphia, Pennsylvania; and Memphis, Tennessee—where schools serving largely poor and minority populations are improving steadily as a result of aggressive, districtwide reforms. With strong community support, and even stronger leadership, these districts have overcome numerous barriers to student achievement.

These success stories are still the exception, but they need not be. Their reforms and results can be replicated when a community, spurred by sufficient political will, strong leadership from school and government officials, teacher support, and financing, commits itself to change. Title I, by providing critical funding and key reform concepts, can be a lever for educational reform that makes a difference in students' lives.

Conclusion

While debate continues about the general health of American public education, almost all knowledgeable people agree that schooling for poor children is in a crisis state. Many disadvantaged youngsters are performing poorly in school and are emerging without the knowledge and skills that would enable them to be productive and participating citizens in American society.

The fault for these conditions lies not in our children, but in our schools, in our society, and in ourselves. If any doubt existed on this score, it should have been extinguished by the great academic progress that many black and Latino students who once were shackled by segregation and other forms of discrimination achieved once these restraints were lifted. The strides made by these youngsters in the wake of the civil rights revolution send a clear message that children who are given the opportunity to succeed will make good use of it.

This study is a good news/bad news report. The good news is that the Clinton Administration has been steadfast in its commitment to support for public schools and to targeting Title I resources to schools with the greatest needs. It has also advocated increased funding of Title I and other key programs to meet the educational needs of poor children. Moreover, several states and a number of urban districts have engaged in major reform and are able to report significant progress for poor children.

The bad news is that the Clinton Administration, once a prime advocate of standards-based reform, has since had a massive failure of will and nerve. That failure has been manifested by a refusal to insist that states comply with fundamental provisions of the law, notably the requirement that a single set of high standards be established for all the children in a state. In the Administration's readiness to countenance differing standards and expectations for children—one set for children in more affluent suburbs and another for poor children in inner cities—there are disturbing echoes of the old racially dual systems of education that the Supreme Court addressed in *Brown v. Board of Education* and of the two-tiered system of advanced versus basic education that the 1994 Title I reforms were designed to eliminate.

It would be unwise to overestimate the likely impact of standards-based reform on public education. The history of public education is littered with reforms offered as panaceas that failed to achieve their promise. But there are also strong reasons not

to abandon in midstream an initiative that gives evidence of succeeding. No alternative to Title I reform has surfaced that holds out more hope of revitalizing the public schools that continue to serve the largest numbers of American children. No other set of proposals is truer to the unique American vision of common schools where all children are offered the means to achieve to their full potential.

Chapter VIII

Title I in Midstream Findings and Recommendations

Findings

The Citizens' Commission makes the following findings:

1. The Most Urgent Need in Education

The most urgent need in American education today is to remove the barriers to opportunity that now face poor children, particularly children of color, children with disabilities, and children with limited proficiency in English. The greatest obstacles are those facing children who live in concentrated poverty, a condition that disproportionately affects black, Latino, and other minority children. Children who attend high-poverty schools are often taught by underqualified teachers and generally have less access than others to needed resources and services such as preschool, early reading programs, counseling, smaller class sizes, and professional development for their teachers. In addition, the standards and expectations set for students in high-poverty schools, as well as for those assigned to lower tracks of other schools, are lower than those set for other students.

As a result of these barriers, many poor children, particularly those attending school in conditions of concentrated poverty, are performing at low levels and are not reaching their academic potential.

2. The Federal Role in Education

While the federal role in education is limited, the national government has a vital role in assuring equality of educational opportunity. The Equal Protection Clause of the Fourteenth Amendment is a mandate to federal departments and agencies to redress discrimination against children. There is also a national interest, founded in part on the General Welfare and Domestic Tranquility sections of the Constitution, in strengthening public education so that it can contribute to a productive and unified nation.

The national interest in education has been manifested for the past three decades primarily through civil rights laws and through Title I of the Elementary and Secondary Education Act, an $8 billion program that now serves nearly 10.5 million students in some 50,000 schools. Although the federal share of educational expenditures is small (less than 7%), this aid has helped to narrow the gap in education revenue that exists between high- and low-income areas because of inequities in state school financing systems.

3. The Impact of the Old Title I

During the 1970s and 1980s, black and Latino students made encouraging educational progress, with gains that closed almost half the gap between their levels of achievement and those of white students. There is evidence that the Title I program, along with school desegregation, Head Start, and other initiatives, contributed to these gains.

Nevertheless, the academic progress of poor children has been limited. Evidence drawn from schools operating under the old law showed that the law was

not fully effective because: (a) it was designed to teach only basic, not advanced, skills; (b) it was based on and ratified low expectations of poor and minority youngsters; and (c) it isolated these youngsters from the mainstream by pulling them out of the classroom for remediation.

4. Key Elements of the New Title I Reforms

To deal with the deficiencies identified, Congress completely overhauled the law in the Improving America's Schools Act of 1994. The new law was based on a finding that all children could master challenging material and higher level skills. It called for the setting of high standards, for the development of new forms of assessment to determine whether the standards were being met, for holding schools and school systems accountable for educational progress, and for using Title I resources to build the capacity of schools and school systems to meet their responsibilities.

(a) To address the problem of low expectations, the law called on states to adopt content standards articulating what children should know and be able to do and performance standards describing levels of proficiency that students reached in meeting the standards. These standards were to be set in at least reading/language arts and mathematics, and extended to Title I-eligible children in other subject matter areas if the state voluntarily adopted standards in additional areas.

(b) To address the problem of tests that examine students in only a few subjects, that assess only basic skills, and that compare test-takers only to each other rather than measuring their progress in learning what they should know, the new Title I called for new forms of assessment. The new assessments, to be in effect by 2000-01, must be:

- criterion-referenced and aligned with content and performance standards;
- statewide in application;
- inclusive of all students and providing accommodations for disabled and limited English proficient students; and
- disaggregated, so that results are reported by economic status, race, ethnicity, gender, English proficiency status, disability, and migrant status.

(c) To deal with problems stemming from a lack of responsibility for achieving results by state and local educational authorities, the statute called for the development by states of a comprehensive system of accountability. During the first five years, when standards and assessments are still being developed, states are required to develop procedures to identify schools and school districts in need of improvement.

When the accountability system is complete, it must include provisions for:

- adequate yearly progress, calling for continuous and substantial annual improvement in each district and school, particularly in the performance of disadvantaged and limited English proficient students in meeting proficient and advanced levels;
- public reporting, parent involvement, and public engagement on the issue of how to improve schools;
- identification of schools in need of improvement;
- corrective action to deal with school districts and schools that fail to make progress. Such action may include the withholding of funds, reconstituting schools and school districts, establishing charter schools, or allowing students to transfer out of failing schools to other schools or school districts.

(d) To help ensure that Title I funds are used in ways that advance the goal of high performance, the statute placed great emphasis on capacity-building, particularly in the professional development of teachers. While Congress did not want to dictate inputs in a law focused on accountability for results, the statute did call upon states to articulate how they would help

districts and schools achieve the capacity to carry out their obligations and did require specific sums to be set aside for professional development in schools that were failing to meet their performance goals.

5. The Positive Results of Standards-Based Reform

The new Title I reforms are sound and workable. While the reforms called for by the 1994 amendments are still in midstream, evidence of their impact is accumulating in states that had similar standards-based reform in effect prior to 1994 and in places that have acted rapidly to implement the 1994 reforms.

In several states, notably Kentucky, Maryland, and Texas, major elements of reform have been put into place on a statewide basis.

A number of urban school districts have also launched reforms. For example, in Philadelphia, a rigorous reform program incorporating many Title I features has resulted in citywide gains in student achievement in a system where the great majority of students are poor. In San Antonio, the number of low-performing schools has declined from 40 to 6 over a five-year period. San Antonio is part of the Texas reform effort that has produced gains in many school systems. In Memphis, schools that have been redesigned along lines contemplated by Title I have produced substantial gains in achievement and the proportion of students taking college preparatory courses in math has increased from 41% to 66% over a four-year period. In these and other places, Title I dollars are helping to carry out well-conceived reforms.

The new Title I has not imposed onerous or unduly burdensome requirements on state or local fund recipients. Unlike the old law, which called for a detailed accounting of expenditures, the new Title I discards detailed regulation in favor of an emphasis on accountability for results. The Citizens' Commission's review of state plans and of waiver requests provides supportive evidence for this finding, demonstrating that neither states nor districts have seen a need to approach the U.S. Department of Education in any significant numbers with requests for waivers of their duty to comply with the law.

6. Factors Retarding Progress

There is wide variance in the degree to which states have complied with the requirements of the new Title I. From our review of state plans and other pertinent material, the Citizens' Commission believes that a number of states have embraced the principles that all students should be expected to meet high standards and that those who operate public schools should be held accountable for achieving this goal. Other states embrace these principles in general but shrink from applying them to benefit economically disadvantaged students. Still other states have yet to adopt standards-based reform.

Failures by the U.S. Department of Education to take actions needed to implement and enforce the new Title I have retarded educational progress. The Clinton Administration certainly deserves credit for its steadfast support for public schools and for directing public attention to needs for educational improvement. With respect to Title I, the U.S. Department of Education has taken some positive action to further the specific purposes of the new law, providing general information and guidance about its aims, prodding states to upgrade their procedures for identifying schools in need of improvement, and recommending to Congress greater targeting of funds to poor areas.

But the Department has shrunk from furnishing clear messages to state and local education agencies on any issue that might prove controversial. As a result, many state and local education officials have received the impression that the new Title I is largely a deregulation law that will free them from bothersome federal conditions and have failed to understand that the tradeoff in the law is higher standards and accountability for results.

Most significantly, the Department has either failed to implement or has misinterpreted key provisions of the law that are designed to equalize learning opportunities between poor and non-poor children:

- Contrary to the law, the Department has limited the requirement of standards and assessments for Title I purposes to two subjects—reading and

mathematics—even when states have standards and assessments in other subjects.

- Contrary to the law, which requires states to adopt uniform standards, the Department has permitted states to accept differing local standards, without any effective means for assuring that all children will be called upon to meet high standards. Similarly, the Department has permitted states to use differing local assessments, again without any effective assurances of comparability.

- Ignoring the law, the Department has failed to insist that states reveal how they will assist local districts and schools in achieving the capacity to help students meet high standards. As a result, few states have made a substantial commitment to helping low-income districts acquire the resources to improve teaching, increase learning time, or meet other requirements of the law.

Cumulatively, these defaults and misinterpretations of the law by the Department have served to undermine a central objective of the new Title I: to eliminate the dual system that prevails in American education and that consigns poor children, children of color, and children with special needs to schools and programs with lower expectations, lower standards, fewer resources, and fewer opportunities than those enjoyed by the great majority of advantaged children.

Progress has been further retarded by the following failures of the Department:

- the failure to adopt in a timely way criteria for determining whether states have demonstrated that their content standards meet the requirements of the law;

- the failure to insist on timely adoption by states of performance standards for gauging proficiency and the acceptance of plans lacking an approved process for developing performance standards, with the result that as of the summer of 1998, 31 states and Puerto Rico had neither content nor performance standards or a process for developing them;

- the failure to explicate the statutory requirement that children be assessed in the language most likely to yield accurate information about their knowledge and skills;

- the failure to require states to measure separately the annual yearly progress of poor children and children with limited English proficiency so that the requirements of the law cannot be met solely by the gains of more advantaged children;

- the failure to insist on processes for assuring that children with disabilities will receive accommodations and will not be excluded from assessment except in rare circumstances;

- the failure to make clear to states and local education agencies that Title I assessments are not to be used for high-stakes purposes; and

- the failure to place sufficient emphasis on the importance of improving teaching through thoughtful programs of professional development.

In criticizing the Department, the Citizens' Commission does not suggest in any way that state and local officials have done their part to effectuate the purposes of the law. Indeed, the Citizens' Commission's review of state plans suggests that for all their rhetoric about education reform, many states have failed to heed the call of the new law to ensure that poor and minority children reap the benefits of standards-based reform. Moreover, after gladly accepting the changes in the law devolving significant responsibility from the federal and state government with respect to ensuring improved outcomes, the states' behavior suggests many may not be up to the hard work such responsibility entails.

Nor should Congress's role in holding back progress be underemphasized. At a time when many in Congress are promoting the devolution of federal power and responsibility to state officials, the failure

to appropriate sufficient funds to assist states in handling their growing public education responsibilities is particularly troubling.

7. Prospects for the Future

Despite the multiple failures of the Department of Education in implementing the new Title I, there is every reason to believe that the program can be successful in the future. Since the process of reform contemplated is a long-term one, the five-year authorization period is expiring before states have completed and implemented their reforms. But the experience of several states in raising standards, in adopting new learning strategies, in fashioning more useful assessment tools, and in creating practical accountability systems has already yielded positive results in the improved achievement of disadvantaged youngsters. Prospects for further gains will be enhanced by modest improvements in the statute and a commitment by the Clinton Administration to implement the law, including a willingness to enforce its provisions where violations occur.

Recommendations

The Citizens' Commission offers the following recommendations:

1. ***Congress should ratify the principles of standards-based reform contained in the 1994 amendments to Title I of the Elementary and Secondary Education Act by reauthorizing the Act for at least five more years.*** The central elements of that law—setting high standards and expectations for all children, fashioning new tools to assess how well children are being taught, and holding schools and school systems accountable—are all critically important to the educational advancement of poor children. The reform process set in motion by the Improving America's Schools Act of 1994 was not intended to be completed until the turn of the new century; therefore, reauthorization is needed to allow sufficient time for the reforms to be completed. Only if there were strong indications that the approach taken in 1994 was failing would termination and a search for alternatives be warranted. To the contrary, where reforms are being seriously undertaken, there is strong evidence that they are succeeding.

2. ***Congress should take additional steps to improve the capacity of schools and school districts in areas of concentrated poverty to meet the challenge of helping all their students reach high standards. In particular, Congress should make efforts to:***

- ***Attract the most able people to teach in high-poverty areas.*** Congress should enact a program to provide college loan forgiveness to able teachers who are certified and who commit to teaching for five years in schools in which at least 75% percent of the children enrolled are from low-income families. Congress should also appropriate funds to permit bonuses of $2,500 per year to be awarded to teachers with certification from the National Board for Professional Teaching Standards who commit to teaching for five years in such low-income schools. The federal government should also encourage corporate and state education leaders to facilitate mid-career transfers of business people who have an interest in teaching (particularly in science and technology) to teach in low-income schools.

- ***Improve the skills of the teachers through enhanced opportunities for professional development.*** While Congress sought in the 1994 amendments not to be prescriptive as long as results were obtained, there is much evidence that providing opportunities to teachers for professional development, particularly in learning strategies and teaching techniques that have proved effective, is a very sound investment. Accordingly, all schools should be required to devote at least 10% (schools identified as needing improvement should be required to spend a larger proportion) of their budget to professional development.

- ***Direct more resources to schools with high concentrations of poverty.*** In 1994, Congress, recognizing the barriers posed by concentrated poverty, made provision in the Title I allocation formula for distributing some funds by weighting for such concentrations. But this was an alternative formula that could be triggered only in limited circumstances, and it has never gone into effect. The evidence from the *Prospects* report and other sources reinforces the devastating educational effects of concentrated poverty. This time, Congress should assure that a substantial part of the total appropriation is allocated through a formula weighted for concentrated poverty.

3. ***The President and the Secretary of Education should announce the resolve of the Administration to implement and enforce Title I to secure its primary purpose: equalizing the learning opportunities available to poor and non-poor children. To that end, they should direct federal officials to take the following steps:***

- ***Ensure that states hold all children to the same high standards and use the same assessment tools to measure their progress.*** The dual standards and assessments that the U.S. Department of Education has sanctioned do the same kind of harm to poor and minority children that the racially dual school systems prohibited by *Brown v. Board of Education* have done in the past. These dual standards and assessments are not sanctioned by law and should be terminated immediately.

- ***Ensure that states and school districts make a broad and challenging curriculum available to all children.*** Ensuring that children in the poorest schools and districts have access to the same courses and materials that are available to those in the wealthiest areas is vital if all children are to have the opportunity to reach proficient and advanced levels. This also means that the U.S. Department of Education must hold state and local officials accountable for securing progress for poor children in all subject areas in which the state has standards, not simply in reading and mathematics.

- ***Insist that states carry out their statutory mandate to set forth a program for assisting local districts and schools in achieving the capacity to help students meet high standards.*** It is no secret that some states have school financing systems so inequitable that property-poor districts lack the capacity to attract and retain significant numbers of qualified teachers, to provide up-to-date texts and materials, to maintain small class sizes, and to provide other important educational services. While Title I does not rectify this problem, it does seek to provide at least a partial solution. The U. S. Department of Education should no longer ignore this requirement of the law.

- ***Insist that children with limited proficiency in English and children with disabilities be included in assessments and be given needed accommodations.*** Needed accommodations include observing the statutory requirement that children be tested in the language most likely to reveal accurate information about what they know and can do. In practice, children who are exempted from participating in assessments often are not taught because school officials are not held responsible for their progress.

- ***Ensure that states provide meaningful remedies for children who are trapped in failing schools or school systems.*** The law's requirement that states ensure that corrective action will be taken against schools and school districts failing to make adequate progress will soon come into effect. While Title I does not mandate the particular actions that must be taken, it also does not contemplate that children will be left in failing schools. At a minimum, the U.S. Department of Education must insist that steps be taken to ensure that failing schools be reconstituted in a way that promises real progress, and that children

have the option of transferring to schools or districts that offer effective education.

4. ***Governors and state and local education leaders should heed the mandate of Title I and, in many cases, their own state laws and policies, to ensure that poor and minority children reap the benefits of standards-based reform.*** State leaders should take bold action to close the gap between rich and poor districts and to improve learning opportunities for poor and minority students. State and local educators should ensure that standards are high for all children, that qualified teachers are available to the neediest students, and that accountability measures are implemented that afford all children access to successful schools.

About the Authors

Co-editors

Corrine M. Yu was Director and Counsel to the Citizens' Commission on Civil Rights during the preparation of this report. Before joining the Commission, Ms. Yu was an attorney with the Washington, D.C., office of Nixon, Hargrave, Devans and Doyle, where she specialized in antitrust and First Amendment litigation.

William L. Taylor, Vice Chair of the Citizens' Commission on Civil Rights, is in the private practice of law, specializing in civil rights and education. He served as Staff Director of the U.S. Commission on Civil Rights during the Johnson Administration. Later, he founded and directed the Center for National Policy Review of the Catholic University Law School. Mr. Taylor serves as the Vice Chair of the Leadership Conference on Civil Rights and on the boards of several other public interest groups.

Title I Project

Dianne M. Piché, Director of the Citizens' Commission on Civil Rights' Title I Project, is an attorney specializing in civil rights, school desegregation, education law, and complex federal litigation. In 1994, she served as Counsel to the National Commission on Chapter 1, an independent commission of respected educators and business leaders who developed comprehensive recommendations for overhauling the law.

Phyllis P. McClure, Project Consultant to the Citizens' Commission on Civil Rights' Title I Project, is an educational equity consultant to public and private agencies and an expert on education reform and Title I. She has served on the congressionally mandated National Assessment of Title I Independent Review Panel since 1991, and chaired this panel from 1991 to 1993, when it took the bold step of calling for a total overhaul of the program.

Stephanie T. Schmelz is an attorney specializing in civil rights and educational policy issues. Prior to joining the Commission, she served as a federal district court clerk for the Honorable Robert S. Gawthrop in the Eastern District of Pennsylvania.